

Appendix 1 – Recommended Response to Construction Products Reform White Paper Questions

Chapter 6: Regulating Products

The following question is from Chapter 6 of the Construction Products Reform White Paper. Please read the white paper before responding ([available here on GOV.UK](#)).

1. What should be included in guidance to support industry to understand their responsibilities regarding products critical to safe construction?

Guidance should clearly set out industry responsibilities for ensuring that products critical to safe construction are selected, installed, and maintained in a way that supports building safety. Key elements should include:

- **A defined list of products considered critical to safe construction**

The guidance should provide a clear and regularly updated list of product categories that fall under this designation, helping key parties understand when enhanced safety requirements apply.

- **Requirements for robust product-specific risk assessment**

Industry should be supported to undertake proportionate risk assessments that consider product safety, intended use, interaction with other building systems, and potential safety impacts if the product fails.

- **Reference to approved Codes of Practice or harmonised standards**

For products identified as critical to safety, the guidance should signpost relevant standards or approved Codes of Practice. These should include clear instructions for safe installation, integration with other systems, and performance expectations. If standards or CoPs do not already exist, they should be developed to allow manufacturers to follow them.

- **Use of third-party accreditation and verification systems**

Guidance should emphasise the importance of selecting products and suppliers that have been independently accredited. It should also outline how verification systems operate and how organisations can determine whether an accredited party is legitimate and competent.

- **Competency requirements for contractors, subcontractors and installers**

Clear expectations should be set for the competency of those installing or assessing safety-critical products. This should include reference to recognised competency schemes, training requirements, and the responsibilities of principal contractors and key parties to ensure competency is maintained throughout the supply chain.

- **Tailored advice for small and medium-sized enterprises (SMEs)**

The guidance should include practical, proportionate advice for SMEs, recognising the distinct challenges they face. This may include simplified tools for risk assessment, signposting to support programmes, and accessible explanations of standards and accreditation processes.

Chapter 8: Assurance and Oversight of Testing, Conformity Assessment and Certification

The following questions are from Chapter 8 of the Construction Products Reform White Paper. Please read the white paper before responding ([available here on GOV.UK](#)).

2. Do you agree that the above principles should underpin the licensing regime for Conformity Assessment Bodies (CABs)?

Yes

Please explain your answer. Please outline how you think a licensing regime for CABs could work operationally.

A licensing regime for CABs should be designed to ensure consistency, integrity and high standards across all organisations carrying out assessments for construction products. To operate effectively, the regime would require clear conditions, strong oversight, appropriate enforcement powers and adequate resourcing. The following key areas should be included:

- A defined licence period with clear renewal requirements based on ongoing compliance and audit outcomes.
- A transparent and robust framework outlining minimum requirements for competence, independence, reporting, and quality assurance.
- Regular surveillance, scheduled and unannounced audits, and strong technical oversight to ensure continued compliance.
- Standardised processes for identifying, categorising and addressing non-conformance, including corrective actions and follow-up.
- The national regulator should have the authority to impose conditions, issue sanctions, suspend operations or revoke licences where necessary.
- Licensing should be mandatory.
- The licensing regime must have sufficient long-term funding and specialist expertise to deliver effective oversight and maintain industry confidence.

NI businesses may continue to access EU-based CABs, including those in the Republic of Ireland. The licensing model should accommodate this to avoid disadvantaging NI businesses.

Councils consider that a mandatory, independent and well-resourced licensing regime has the potential to significantly raise standards across the construction sector. By establishing minimum requirements for third-party certification, ensuring consistent oversight and enabling transparent performance monitoring, such a regime can promote greater and more uniform levels of safety.

However, the success of this system relies on trust—achieved through independence, transparency, proper resourcing and competent oversight.

3. Do you agree that this national testing and research facility would lead to the highlighted benefits?

Yes

Please explain your answer.

Yes, we agree that a national testing and research facility would deliver the highlighted benefits, particularly for Northern Ireland. At present, there are no accredited test houses in NI, and the nature of many construction products makes transporting them to facilities in Great Britain difficult and costly. A national facility with sufficient capacity, appropriate expertise and full accreditation would significantly reduce these barriers and provide essential support to both businesses and enforcing authorities.

Such a facility would also offer genuinely independent testing, which is important for building confidence in compliance processes. For enforcers, the availability of an impartial laboratory—willing and able to act as an expert witness in court—is a major benefit, ensuring that evidence is both robust and reliable.

To maximise value for NI, the facility would need to consider the region's unique dual-market position, including the need for testing recognised under both UK and EU frameworks. Ensuring adequate building size, specialist staff and technical capability is essential so that the full range of construction products can be tested.

Overall, a well-resourced, fully accredited and independent national testing and research facility would help reduce costs, support enforcement, improve access to testing, and enhance safety standards across the UK, with particularly strong benefits for Northern Ireland.

4. What opportunities are there for government to establish partnership models to establish new public sector testing and research capacity?

We consider it essential that the government plays an active role in supporting research and development to ensure that testing and research capacity keeps pace with technological innovation. Sustained government involvement will help maintain the UK's ability to respond effectively to emerging risks and opportunities.

UK-based bodies could collaborate with central government to develop distributed testing networks. This would provide enforcers with support on logistical and transportation challenges, contributing to a more resilient and geographically dispersed testing system. However, strong governance arrangements would be required to avoid conflicts of interest.

Government could support a wider range of UK-based organisations to become accredited test bodies. This investment could expand domestic expertise, enhance competitiveness, reduce reliance on overseas laboratories, and enable enforcers access to independent second opinions.

Opportunities for partnership models include public-private partnerships, partnerships with academic and research institutions, partnerships with established local authority testing bodies.

Chapter 9: Role and Responsibilities of Regulators

The following question is from Chapter 9 of the Construction Products Reform White Paper. Please read the white paper before responding ([available here on GOV.UK](#)).

5. Would there be a benefit to enabling employment protections, for individuals reporting risks, bad practices and non-compliance within their own organisation, to the national regulator for construction products?

Yes

Please explain your answer.

Yes, there would be a clear benefit in enabling employment protections for individuals who report risks, bad practices or non-compliance within their organisation to the national regulator for construction products. Any such protections should be aligned with existing whistleblowing legislation to ensure consistency, fairness and legal clarity. Strong protections would give employees the confidence to raise concerns without fear of retaliation, which is essential for effective intelligence gathering.

Surveillance across the whole system is critical to identifying unsafe practices, and this relies on accurate, timely intelligence. Providing staff with a safe route to report concerns directly to the national regulator would support more proactive identification of risks and systemic issues. To be effective, there should be a clear, easy-to-use reporting mechanism—ideally a public, anonymous digital reporting platform—supported by widely publicised guidance on how to make a report. Consideration should also be given to providing an option for local enforcement bodies to be notified when relevant.

To ensure the credibility of the system, procedures must be in place to sift out malicious, vexatious or unfounded reports while still protecting those who raise genuine concerns. This balance is essential for maintaining trust among employers, employees and regulators.

Given the need for intelligence-led regulation, a central reporting mechanism for consumers, tradespeople and employees would provide valuable insight into emerging issues across all construction products. Such a system, supported by appropriate employment protections, would strengthen the national regulator's ability to act on reliable information, target high-risk areas and improve overall safety across the construction sector.

Chapter 10: Environment and Sustainability

The following question is from Chapter 10 of the Construction Products Reform White Paper. Please read the white paper before responding ([available here on GOV.UK](#)).

6. We would like to raise awareness and encourage the use of EN 15804+A2 as the methodology for producing an Environmental Product Declaration. What other opportunities could support best practice for products not covered by a designated standard? Please explain your answer.

Promoting EN 15804+A2 as the preferred methodology for Environmental Product Declarations is beneficial, but additional opportunities can help support best practice where no designated standard exists. Environmental compliance should operate in harmony with safety requirements, ensuring neither area compromises the other and both contribute to a shared objective of safe, sustainable products.

Where specific standards are not available, the use of PAS documents, recognised Codes of Practice, and Common Specifications could provide appropriate, consistent methodologies. These frameworks can offer clear guidance, ensure alignment with safety requirements, and support manufacturers in demonstrating good environmental performance without undermining essential safety obligations.

Chapter 11: Competence and Accountability

The following question is from Chapter 11 of the Construction Products Reform White Paper. Please read the white paper before responding ([available here on GOV.UK](#)).

7. Are there any specific roles or points where you think **accountability is not clear?**

Yes

If yes, please explain your answer and include who should be responsible.

Yes, we believe there are several points across the construction product lifecycle where accountability is not currently clear. The existing regime is fragmented, with inconsistent responsibilities, limited oversight and a lack of statutory clarity for key parties. There must be clear statutory obligations on all relevant parties, with legal consequences for non-compliance, rather than relying on individuals or organisations informally “assuring themselves.” A more robust and transparent framework is required.

At present, responsibility across various regulatory authorities can be unclear. Building Control, Environmental Health and Trading Standards each have partial and particular roles and legislative remits. At times there may be no clear delineation of who is responsible for ensuring that some products placed on or used for building purposes meet all the correct and relevant standards ensuring fitness for purpose and appropriately CE/UKCA marked.

Stronger linkage and co-ordination between all regulatory bodies and Construction Products Regulations is essential to protect against unsafe materials being used where current systems do not fully integrate.

Accountability gaps are also evident at the design and installation stages, where decisions are sometimes driven by cost rather than safety. Without clear, enforceable duties at these early stages, risk can be introduced long before a regulator is involved.

To address these issues, we are of the view that the National Regulator should operate transparently, with strong oversight of all parties involved in design, specification, installation and approval.

In summary, accountability is currently unclear across multiple points in the system. A single national regulator, combined with clearer statutory duties and better integration between building safety and product regulations, is essential to ensure that safety is placed at the forefront rather than cost.

Chapter 12: Implementation Plan

The following questions are from Chapter 12 of the Construction Products Reform White Paper. Please read the white paper before responding ([available here on GOV.UK](#)).

8. Do you have views on appropriate lead times or transition periods relating to specific reforms set out in this white paper?

We agreed with the lead times and transition periods detailed in 12.4 of the consultation.

9. What should we take into account when developing the proposed tranches and sequencing?

Please explain your answer.

When developing the proposed tranches and sequencing, it is essential that the unique position of Northern Ireland is taken into account at every stage. Guidance for NI should be published in parallel with GB guidance, not after it, to avoid delays, inconsistencies and further regulatory divergence. Any new framework should actively work to integrate NI within the wider UK legislative system rather than create additional separation.

Consideration must also be given to NI's dual-market context, where businesses often need to comply with both UK and EU requirements. This reality should shape both the timing and content of tranches to ensure that NI stakeholders can implement changes effectively and without disadvantage.

In addition, the national regulator must have a visible, operational presence in all parts of the UK—including Northern Ireland—from the outset. This should include dedicated NI-based offices and officers responsible for market surveillance and all other regulatory functions. Ensuring early and embedded regulatory presence in NI will support consistent implementation, improve compliance, and provide confidence to industry and enforcement bodies.

Chapter 13: Next Steps

The following questions are from Chapter 13 of the Construction Products Reform White Paper. Please read the white paper before responding ([available here on GOV.UK](#)).

10. Do you have any views, evidence or insights regarding the impact that reforms might have regarding the costs and benefits to businesses, as well as any wider impacts?

We consider this matter to fall outside the remit of Market Surveillance Authorities, and therefore we are not in a position to provide a detailed response to this question.

11. Do you have any other useful information that you wish to share that is not covered by your previous answers?

A key consideration is the unique situation of Northern Ireland, where regulators must operate within both the UK and EU legislative frameworks. To ensure effective enforcement and consistency for businesses, construction product legislation must not become fragmented from manufacture through to end use. Alignment between construction product safety requirements and building control regulations is essential, and definitions, responsibilities and regulatory approaches must remain consistent across the UK. Any divergence—either regulatory or operational—creates unnecessary complexity and increases the risk of non-compliance.

For Northern Ireland-based regulators, consistency is especially important. The ability to apply a harmonised approach across both UK and EU requirements supports clear enforcement, reduces ambiguity for businesses operating in dual markets, and prevents the development of conflicting obligations. To maintain this consistency, the wider legislative framework must be designed to integrate NI, rather than creating further separation.

It is also important to acknowledge the significant pressures faced by existing enforcement bodies. Those currently responsible for regulating construction products work across a very wide range of product types and legislation, yet many are under-resourced and face competing priorities. Constraints around financial support, staffing levels, technical expertise and access to training all affect the ability of regulators to carry out meaningful market surveillance and enforcement activity. These capacity challenges must be addressed for any new system to function effectively.