

Appendix 2 - Recommended Response to the Construction Products Reform White Paper

Question 1: Do you agree that previously used products should be regulated in the same way as new products, unless the exemption applies?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Belfast City Council supports regulating previously used construction products in the same way as new products, except where a clear exemption applies. Re-use markets are expanding, and many high-quality products can be safely and effectively reused. However, the safety risks associated with reused products can be equal to, or greater than, those of new products, due to wear, damage, or missing safety information. It is therefore important that clear requirements are in place to protect consumers.

Consistent regulation also ensures traceability, accountability, and a level playing field for all operators. For products critical to safe construction, it is essential that they undergo a documented risk assessment and appropriate compliance checks to confirm that they continue to meet current requirements.

Question 2: Do you agree with the proposal set out above of an overarching safety requirement on economic operators?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

An overarching duty is essential to clarify responsibilities throughout the supply chain. It mirrors duties already present in Northern Ireland's consumer protection legislation and supports more effective enforcement. It also places responsibility on those best positioned to identify and mitigate risks before products reach the market.

The definition of 'use' does not include installation by professionals, leaving a gap in legislation and putting professionals and consumers at risk from unsuitable products being installed.

The definition of a construction product needs to be clear so that enforcement officers can determine whether a product falls within the scope of the regulations. The current definition is ambiguous.

The Council supports the proposal in principle, as a general safety requirement is necessary to close regulatory gaps and ensure all construction products are subject to a baseline duty of safety. However, its effectiveness will depend on:

- Clear, practical guidance on what constitutes compliance
- Proportionate obligations tailored to risk and business size
- Alignment with existing regulatory frameworks to avoid duplication
- Robust and consistent enforcement

Question 3: Do you agree that the measures described as part of the process for assessing risk are reasonable and proportionate?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

The outlined measures align with existing risk-based regulatory practice and are proportionate to the potential harm associated with unsafe construction products. They reflect a risk-based approach that allows obligations to scale according to the nature and potential hazards of the product, and they are consistent with good practice among responsible economic operators. A structured assessment helps operators focus on foreseeable hazards, supporting better compliance and more efficient enforcement.

However, their proportionality will depend on clear, practical guidance on the expected scope and depth of risk assessments, particularly for SMEs.

It will also be important to ensure that these requirements do not duplicate existing obligations under other regulatory regimes, and that concepts such as foreseeable use and misuse are applied in a balanced and proportionate way.

Question 4: Do you think the above list of criteria for product information is proportionate, as well as sufficient to support decisions to select the right product? If not, what further information do you think would be helpful?

Yes
No
Don't know

Please explain your answer and include any changes you would make to the proposals.

In addition to what is included in the above list of criteria for product information, we recommend including the following:

- **Clear identification of safety-critical products:** Any product identified as critical to safe construction, such as those relating to fire safety, structural integrity, or life-safety systems, as highlighted in the Construction Products Reform White Paper, should be clearly flagged to the purchaser or end user. These higher-risk products should be subject to correspondingly higher expectations on economic operators.
- **Information on prior use and condition for reused products:** For products being reused, information on previous modifications, repair history, and any known performance limitations should also be provided.

Including this information would support professional and safe decision-making by installers and end users. Clear and accessible product information is essential for both safety and traceability.

Question 5: Do you agree with the proposals on product labelling?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

The Council agrees with the proposed product labelling requirements; however, we do not agree that a product's unique identifier alone is sufficient to trace a specific batch. This requirement should be expanded to explicitly include a batch or serial number. Such information could be incorporated within a digital product passport, ensuring consistency with both NI and EU requirements.

A system such as digital product passports would enable economic operators, regulators, and downstream users to link each product to its exact production batch. This would strengthen traceability, support targeted and efficient safety recalls, and improve accountability across the supply chain. It would be especially valuable for safety-critical products where even small batch-level variations can have significant implications.

Consideration should also be given to avoiding information overload. Excessive or overly technical documentation may reduce clarity rather than enhance it. Product information should remain targeted, relevant, and easy for its intended audience to understand.

Additionally, alignment with existing requirements under other regulatory frameworks will be essential to prevent duplication and ensure a coherent, streamlined system for product information.

Overall, the proposals are appropriate and proportionate, but their effectiveness will rely on clarity, usability, and the practical implementation of information requirements across the supply chain.

Question 6: Do you agree that the manufacturer should maintain records of such actions for a period of 10 years beyond the last supply of the product?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

A 10-year period aligns with the existing requirements under product safety frameworks. This duration supports effective post-market monitoring and enforcement.

Question 7: Do you agree with the proposals for the responsibilities of importers?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Any definition of an importer must take into account the specific position of Northern Ireland. In NI, an importer is defined as someone bringing a product in from outside the EU, which includes goods arriving from Great Britain. Guidance should therefore clarify what checks are required, and at what point they must be carried out, for items entering NI. Depending on the product's origin, the role may fall to either a distributor or an importer, and the guidance needs to reflect this distinction.

Importers play a critical role as the first point of entry into the UK market, including NI. The proposals correctly recognise the need for importers to verify conformity, ensure documentation is available, and maintain oversight of supply chains.

Question 8: Do you agree with the proposals to make importers label products as set out above?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Any definition of an importer must take into account the specific position of Northern Ireland. In NI, an importer is defined as someone bringing a product in from outside the EU, which includes goods arriving from Great Britain.

Clarity is needed on whether a Northern Ireland business receiving a product from Great Britain is required to relabel it to meet UK regulations.

Guidance should also address whether a manufacturer can appoint a responsible economic operator within NI or the EU, so that NI distributors are not all required to undertake relabelling themselves.

Question 9: Do you agree with the proposed requirements on importers to retain records as set out above?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Any definition of an importer must take into account the specific position of Northern Ireland. In NI, an importer is defined as someone bringing a product in from outside the EU, which includes goods arriving from Great Britain.

A 10-year period aligns with the existing requirements under product safety frameworks. This duration supports effective post-market monitoring and enforcement.

Question 10: Do you agree with the proposed requirements on distributors as set out above?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Any definition of a distributor must take into account the specific position of Northern Ireland. In NI, a distributor is defined as someone placing a product from NI or the EU onto the NI market. However, if they place a product from Great Britain onto the NI market they are an importer. Guidance therefore needs to clearly reflect this NI-specific issue.

Distributors are often the last line of defence before products reach the market. Their storage and transportation responsibilities should be strengthened, as they may hold products for extended periods and are responsible for delivering them to their final destination.

Question 11: Do you think the requirement of creating records of purchase and supply and retaining such records for 10 years to allow for traceability is proportionate?

Yes
No
Don't know

Please explain your answer and include any changes you would make to the proposals.

A 10-year period aligns with the existing requirements under product safety frameworks. This duration supports effective post-market monitoring and enforcement, and modern digital systems now make long-term record retention both feasible and cost-effective.

Question 12: Do you agree with the proposed requirements on fulfilment service providers as set out above?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Online marketplaces are an increasingly common supply route for construction products. Bringing fulfilment service providers into scope closes an important regulatory gap, prevents avoidance of responsibility, and ensures parity with importers and distributors.

To support safe and informed purchasing, online listings should display all the information that would be available at the point of sale in a physical shop, including:

- **Intended use** of the product.
- **Technical information** sufficient for users, specifiers, or purchasers to determine whether the product is appropriate for its intended application.
- **Safety information** covering aspects of normal or reasonably foreseeable use that fall outside intended use, including warnings, prohibited uses, and relevant testing.
- **Details of any voluntary standards or third-party certifications** the product meets, where applicable.
- **Instructions for safe use, disposal, installation, assembly, and maintenance**, including training or competency requirements for installation and information on compatibility with systems, kits, materials, or other products.
- **Instructions for safe storage and transportation.**
- **Guidance on where or how the product should not be used**, where relevant.

If a product is identified as **critical to safe construction**, this must be clearly highlighted to the purchaser or end user.

For **reused products**, information on previous modifications, repair history, and any known performance limitations should also be provided.

Presenting clear and comprehensive information in this way supports safe, professional decision-making by installers and end users

Question 13: Do you agree that we should require economic operators to make sure that the way they store, or transport, products does not cause them to become unsafe?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Improper storage or transport can compromise a product's integrity. This requirement is reasonable and aligns with existing due-diligence expectations within supply chains.

Question 14: Do you agree or disagree with the proposals for economic operators to monitor construction products that have been placed on the market?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Post-market surveillance is essential for detecting systemic issues, product failures, or emerging safety risks. A clear monitoring duty improves accountability and helps economic operators and enforcement authorities act swiftly.

Post-market surveillance is essential for identifying systemic issues, product failures, and emerging safety risks. A clear monitoring duty strengthens accountability and enables enforcement authorities to respond quickly and effectively when problems arise.

There should also be a straightforward system for economic operators and individuals to report risks, poor practices, or concerns about non-compliance—consistent with the approach outlined in Chapter 9 of the Construction Products Reform White Paper.

Similar mechanisms already exist in other sectors, such as the MHRA's Yellow Card scheme, the SUE reporting model for cosmetics, and the EU's consumer and

business safety reporting gateways, which allow users to flag safety concerns directly.

Introducing an accessible and trusted reporting process would support early detection of issues, improve transparency across the supply chain, and enhance overall product safety.

Question 15: Do you agree that economic operators should have a duty to cooperate and carry out actions when they are asked to by an enforcement authority?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Such duties are standard within product safety law and are essential for effective enforcement. Timely cooperation with Market Surveillance Authorities is critical to enable thorough investigation of unsafe products, implement protective measures, and safeguard both professionals and consumers.

Question 16: Do you agree that enforcement authorities should be able to accept an undertaking instead of taking formal enforcement action?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

The Council recognises that undertakings can be a proportionate and efficient alternative to formal enforcement, and this approach is consistent with the Council's enforcement policy. We also consider it important to support businesses and contribute to economic growth.

However, authorities must retain the ability to escalate enforcement where undertakings are breached or where a serious risk exists.

Question 17: Do you agree with the proposal to introduce civil monetary penalties for non-compliance with requirements under the GSR?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Civil monetary penalties are not currently used by Northern Ireland councils, so we do not have direct experience with this enforcement mechanism. However, we would welcome their introduction, if they prove to be an effective tool for securing compliance. If such a system were to be introduced in Northern Ireland, careful consideration would be needed on how the framework would be implemented, as these powers do not presently exist in NI.

Question 18: Do you agree with the proposal to not extend powers to issue civil monetary penalties to LATS under the GSR, recognising their reduced role in enforcing construction product regulations?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Within Northern Ireland, product safety enforcement—including the enforcement of construction products regulations—is carried out by Environmental Health Officers (EHOs) based within district councils.

Section 8.5 states that:

“Local authority trading standards (LATS) (or environmental health, in Northern Ireland) currently hold regulatory powers to carry out market surveillance and enforcement to remove non-compliant products from the UK market. However, evidence suggests that LATS do not always have the resources and skills, nor do they necessarily prioritise enforcement of construction product regulation.”

However, Environmental Health Officers are then omitted in Section 2.8, which states:

“Enforcement will be strengthened through enhanced powers for the national regulator for construction products, including market surveillance, investigatory powers, and proportionate intervention measures such as suspension, recall, and

prohibition. Local authority trading standards (LATS) will also be equipped with these powers to complement the role of the national regulator.”

They are also omitted in the definition of *Enforcement Authorities*, which refers only to:

“the national regulator for construction products and local authority trading standards.”

Given that EHOs within NI district councils currently undertake this enforcement role, clarity is required from the UK Government on how their role will be reflected within the new framework.

Question 19: Do you agree with the proposal on cost recovery notices that the enforcement authority is able to issue?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

Cost recovery notices are not currently used by Northern Ireland councils, so we do not have direct experience with this enforcement mechanism. However, we would welcome their introduction if they prove to be an effective tool for securing compliance. If such a system were to be introduced in Northern Ireland, careful consideration would be needed on how the framework would be implemented, as these powers do not presently exist in NI.

Question 20: Do you have views on whether LATS should have powers to issue cost recovery notices, as well as the national regulator for construction products?

Yes
No
Don't know

Please explain your answer and include any changes you would make to the proposals.

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Question 21: Do you agree with the time periods that an economic operator has to lodge their appeal?

Agree
Disagree
Neither agree nor disagree
Don't know

Please explain your answer and include any changes you would make to the proposals.

The proposed timescales strike a fair balance between allowing operators sufficient time to prepare an appeal and ensuring that enforcement action is not unduly delayed. This timeframe is in line with other Environmental Health regulatory functions.

