Quality Construction Through Better Regulation

IBCI Conference 9 March 2016

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Architecture / Building Standards, DECLG
Overview of Presentation

- Building Control Reforms – Taking Stock & Priorities for 2016
- Construction Product Regulations / Market Surveillance
- Construction Industry Register Ireland
Better Regulation

- Clear definition of responsibilities & how they can be met
- Supporting Competence and Professionalism
- Accountability
- Ongoing Consultation and Review
Quality Construction agenda remains central to Government policy
Building Control Reforms
<table>
<thead>
<tr>
<th>Key Deliverables</th>
<th>Outputs / Outcomes</th>
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</table>
| S.I. No 9 / 2014 effective from 1 March 2014                                      | • Statutory Certificates of Compliance  
• Lodgement of Compliance Documents  
• Inspection Plans  
• E-Administration  
• Unified Statutory Register  
• Better oversight by Industry & BCAs  

Reviewed after 12 months -  
• Opt-out for single dwellings (SI 365 of 2015)  
• Removal of exemption for Local Authorities |
| C.O.P. for Inspecting & Certifying Buildings & Works                             | • Statutory clarity of roles, responsibilities & administrative requirements  

Priority for 2016 – Update C.O.P. to include inspection plan for single dwellings and extensions |
<table>
<thead>
<tr>
<th>Key Deliverables</th>
<th>Outputs / Outcomes</th>
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<tbody>
<tr>
<td>Building Control Management System (BCMS)</td>
<td>Priorities for 2016</td>
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<tr>
<td></td>
<td>• SI 365/2015</td>
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<td>• Integration of FCS /DAC procedures</td>
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<td>• Certificates of Completion</td>
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<td>• Online risk assessment</td>
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<td>• Supporting BCA inspections</td>
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<td>Common Framework for Building Control Authorities</td>
<td>Priorities for 2016</td>
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<td></td>
<td>• Adopted by CCMA</td>
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<td>• Standardised guide to BC administration</td>
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<td>• Standard inspection approach &amp; template reports</td>
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<td>Priorities for 2016</td>
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<tr>
<td></td>
<td>• Empowering BCA inspection activity</td>
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<td></td>
<td>• Enhancing BCA Capacity (staffing, shared services, efficiencies)</td>
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<tr>
<td></td>
<td>• Enhancing Capability (Training, Information Sharing, Technology)</td>
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<tr>
<td>Stakeholder Engagement</td>
<td>Outputs / Outcomes</td>
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<tr>
<td><strong>Key Deliverables</strong></td>
<td><strong>Practical, workable solutions informed by:</strong></td>
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<td>• High level meetings with CIC</td>
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<td>• Bi-lateral meetings with other stakeholders</td>
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<td></td>
<td>• Working Groups – Dept / LAs / Industry</td>
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<td>Review of SI 9/2014 after 12 months in operation.</td>
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<td>• Increasingly supported by stakeholders</td>
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<td>• Key Issues Arising -</td>
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<td></td>
<td>• Further development of BCMS</td>
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<td>• Independent site inspections by LAs</td>
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<td>• Regularisation of projects commenced illegally</td>
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<td>• Wording of Statutory Certs</td>
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<td>• Insurances</td>
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<td>• More guidance</td>
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(Report on Public Consultation available on www.environ.ie)
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<th>Key Deliverables</th>
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<tbody>
<tr>
<td>Consumer Protection</td>
<td>• Building Control Acts &amp; SI No. 9 of 2014</td>
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<td>• CIRI established on voluntary basis</td>
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<td>• Over 800 entities on register</td>
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Construction Product Regulation
• Removing barriers to trade - free movement of construction products in the Single Market

• Common Test Methods

• Common Technical Language

• Agreed system (AVCP) defining how products are assessed and how the constancy of the assessment results is controlled

• Reliable information about product performance (Declaration of Performance)

• Market Surveillance
Let’s Recap!

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<tr>
<td><strong>Marketing</strong></td>
<td><strong>Using</strong></td>
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<tr>
<td>Market Surveillance Co-ordinator: DECLG</td>
<td>Enforcement:</td>
</tr>
<tr>
<td>Enforcement: Market Surveillance Authority</td>
<td>Building Control Authority</td>
</tr>
<tr>
<td>Declared Performance <strong>NOT</strong> Quality</td>
<td>Performance suitable for end use</td>
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**Placing a construction product on the Market – Construction Products Regulation**

1. Harmonised European Product Standard (hEN)
2. European Assessment Document (EAD) (Voluntary)
3. (i) Assessment of performance & (ii) Verification of factory production control

**On the market**

Declaration of Performance (DOP) & CE Marking

**Manufacturer/Importer/Distributor**

**Using a construction product in building works – Building Regulations**

- Compliance with Building Regulations
- Parts A-M
- Construction products – fit for purpose & conditions of use – Part D
- Proper installation
- Workmanship

**Owner/Builder/Specifier**

**Designer/Certifier**
Benefits of Technical Tools of the CPR

- Specifiers can better define their performance demands for the specific end use e.g. NSAI Standard Recommendations & National Annexes [http://www.nsai.ie/NSAI/files/e0/e030b213-c161-48c6-8f8c-2b0572fb9b1e.pdf](http://www.nsai.ie/NSAI/files/e0/e030b213-c161-48c6-8f8c-2b0572fb9b1e.pdf)

- Enables end users e.g. builders to purchase the product with the prescribed performance.

- DoP may be harnessed to readily determine whether the products incorporated into the works are carried out using “proper materials…which are fit for the use for which they are intended and for the conditions in which they are to be used” to ensure compliance with the Building Regulations.
Useful Information

**BRAB Information Note on the CPR**

**CE Marking Step by Step**
Specifications

When drawing up specifications, refer to the harmonised technical specifications.

Set desired performance levels for essential characteristics of products.

Purchasing

When a product has a CE Marking - Check the DoP..and… Review it!

Check the appropriate minimum performance levels required for specific intended uses in Ireland i.e. National Annexes, Standards Recommendations, TGDs etc.

Ensure that materials which you select and for which you are responsible comply with the requirements of the Building Regulations [CoP for Inspecting and Certifying Buildings and Works]
Market Surveillance

Information Sharing with Member States & Commission

• The need to set up ICSMS systems from Art. 23 of Regulation 765/2008

The ICSMS helps Market Surveillance Authorities to:
• exchange market surveillance information quickly and efficiently;
• coordinate activities and inspections more effectively;
• share resources and to test products which have yet to be tested;
• carry out wide-scale market interventions on dubious products.
• develop best practices, avoid duplicate inspections;
• ensure that market surveillance is efficient and uniform across all EU countries;
• establish an encyclopedia of EU market surveillance intelligence.
Proposed amendment to S.I. 225 of 2013

- Clarify the powers of MSA and authorised officers appointed by such authorities.
- For the avoidance of doubt stipulate power to share information collected during course of MSA activities [Ref: Circular BC 05-2014]
- Public Consultation – Q2 2016
- Finalise Regulations and publish Guidelines for MSAs by year end 2016.
Market Surveillance

Market Surveillance Campaign on Windows and doors to EN 14351

- Large number of incidents of formal non-compliances e.g. CE Marking, DoP.
- Requests for further information issued.
- Enforcement Notices issued.
- Cases still ongoing to achieve satisfactory resolution.

Full debrief on market surveillance campaign at next Building Control Seminar/Workshop – Q2 2016.
Construction Industry Register Ireland
CIRI Register

- **Register of Builders, Contractors & Specialist Sub-contractors**
  - In place as voluntary register since 2014
    - referenced in Building Control Regulations
    - Owner obligation to appoint competent builder – CIRI provides one way of meeting obligation
    - 800 entities on register

- **Statutory Register**
  - Construction 2020 measure
  - Legislative process to begin in 2016
CIRI Requirements

- Competence & experience
- Technical Capability
- Tax Compliant
- VAT Registered
- Health & Safety Statement
- Adequate Insurance
- Environmental Assurance
- Knowledge of Building Regulations
- Regulatory & Statutory Compliance
- Continuous Professional Development
- Industry Code of Conduct
Why now?

- Consumer Protection
- Tackling Shadow Economy
- Level playing field for compliant operators
- Increasingly looked to by owners, tendering bodies, financiers, professional bodies, certifiers, building control authorities, main contractors
Concluding Remarks
Conclusion

New era of Quality and Compliance typified by
- Stronger and better integrated systems of control
- Empowering competence and professionalism
- Ensuring that the systems of control are properly applied.
- Improving the system of inspection and oversight by industry and BCAs.

Priorities for 2016
- Stronger & Better Resources Inspection Capability
- Building Control Bill (CIRI register)
- Development of BCMS and Building Control Framework in close consultation with industry
- Market Surveillance

..... the work continues
Thank You