Rialtas na hÉireann
Government of Ireland

Irish Notification Procedures for the Purpose of the Construction Products Regulation (305/2011)

Revision 1 – July 2020

Prepared by the Department of Housing,
Planning and Local Government
Housing.gov.ie

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1 Introduction

This document sets out the procedures applicable in Ireland, for the assessment and notification of bodies seeking authorization, to carry out third party tasks in the process of assessment and verification of constancy of performance (known as notified bodies) and the subsequent monitoring of such bodies in accordance with the requirements of Regulation (EU) No. 305/2011 of the European Parliament and of the Council, laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (known as the Construction Products Regulation).

Revision 1 (July 2020), provides further detailed information for applicants to help promote a streamlining of the application process.

2 Construction Products Regulation (CPR)

The Construction Products Regulation (CPR) lays down harmonised conditions, for the marketing of construction products. It repeals the original Council Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (known as the Construction Products Directive). While the CPR was adopted on 9 March 2011, the key elements did not apply until 1 July 2013. The CPR is directly[1] applicable in its entirety in Irish law.

The aim of the CPR is to ensure reliable and accurate information is made available on construction products covered by harmonised European (construction product) standards (hENs) or conforming to European Technical Assessments (ETAs) in relation to specific performance characteristics set out in the harmonised technical specifications[2]. This is primarily achieved by providing a “common technical language" offering uniform assessment methods of the performance {see Section 3 - Assessment and Verification of Constancy of Performance (AVCP)}.

Since 1 July 2013, all construction products which fall under the scope of a published harmonised European (construction product) standard (hEN) will have to have a declaration of performance (DoP) and be CE marked in order to be put on the Irish market[3] or on the Union market[4].

[1] The Construction Products Regulation is supported by the European Union (Construction Products) Regulations 2013 (S.I. No. 225 of 2013) setting out arrangements for market surveillance activities, in accordance with the specific requirements of the CPR and the broader overarching requirements of Chapter III of Regulation (EU) No. 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/9.

[2] Harmonised technical specifications include harmonised European (construction product) standards (hENs) and European Assessment Documents (EADs). The latter are documents adopted by the organisation of Technical Assessment Bodies (TABs) for the purposes of issuing European Technical Assessments (ETAs).

[3] CE Marking has been voluntary in Ireland, up to this point in time.

[4] Refer to Section 7 below for further possibilities for CE Marking, i.e. European Assessment Documents.

3 Assessment and Verification of Constancy of Performance (AVCP)

In order to ensure that the declaration of performance (DoP) for construction products is accurate and reliable, the performance must be assessed and their production in the factory must be controlled. In this regard the CPR sets out five systems for assessment and verification of constancy of performance (AVCP)[5]. The technical details necessary for the implementation of the relevant system of AVCP for the specific construction products are contained in the harmonised technical specifications.

4 Notified Bodies (NBs)

All but one of the AVCP systems requires the involvement of third party bodies. The three types of third party bodies specified are:

- Notified Product Certification Bodies,
- Notified Factory Production Control Certification Bodies, and
- Notified Laboratories.

Notified bodies (NBs) are the only recognised third party bodies that can carry out conformity assessments.

As soon as a harmonised European (construction product) standard is published in the Official Journal of the European Union (OJEU), bodies can be notified to carry out the relevant assessment tasks required by the standard.

Notified bodies are designated by Member States of the European Economic Area (EEA) as well as by other countries (e.g. Switzerland or Turkey) having signed a specific agreement

[5] Refer to Commission Delegated Regulation (EU) No 568/2014 of 18 February 2014 amending Annex V to Regulation (EU) No 305/2011 of the European Parliament and of the Council as regards the assessment and verification of constancy of performance of construction products.

with the EU. A list of all official notified bodies under the construction products regulation is available in the NANDO-CPR database.

For a third party body in Ireland to become a notified body under the CPR, it must be a legal entity established under Irish law and it must be assessed and notified by the Irish notifying authority.

5 Irish Notifying Authority

The Department of Housing, Planning and Local Government (DHPLG) is the notifying authority[6] under the CPR in Ireland. The Irish National Accreditation Board (INAB) undertakes accreditation and monitoring of notified bodies in Ireland[7].

[6] In accordance with Article 40.1 of the CPR.
[7] In accordance with Article 40.2 of the CPR.

6 Overview of Irish Notification procedure

Applications for Notified Body status should be made to the Department (i.e. as the Notifying Authority). All applicants, as part of the accreditation process, will need to meet any additional requirements as may be set out in this document, which may change from time to time.

The applicant and existing Irish based notified body must comply with Article 43 of the Construction Products Regulation. They shall be legally established in Ireland and must be an organisationally independent body with independent decision-making. They should demonstrate the following:

- Own decision making on certification. The notified body must directly employ its own technically competent staff, have control over, and be able to access any audits/tests made by subcontractors;
- distinct and separate management system and internal procedures;
- effective control of all subcontractors, including any associated companies that are used as subcontractors;
- own liability insurance;
- own financial management and financial independence;
- own information and communication system;
- Confidentiality and professional secrecy with regard to all information gained in the carrying out of its tasks. This extends to any companies associated with the notified body.

The application should be accompanied by the following:

- A formal application letter – see sample at appendix 2;
- Proof of the applicant's legal establishment in Ireland;
- Registration with Companies Registration Office (CRO)
- Lease agreement for functional staffed Irish premises;
- Verification of Tax Clearance status;
- A description of the activities to be performed by the applicant;
- The AVCP systems for which the applicant claims to be competent;
- The construction products (by reference to harmonised technical specification for which the applicant seeks to be notified;
- An accreditation certificate and schedule, issued by the Irish National Accreditation Board (INAB), attesting that the applicant meets the requirements laid down in the CPR (in particular Articles 43 and 52), (**Note:** The scope of accreditation should match the scope of notification sought);
- INAB assessment report;
- Proof of adequate public and professional indemnity insurance for the activities they wish to carry out;
- Competence matrix of all staff employed by Irish Entity;
- Copies of contracts of employment and that are held under Irish Employment Law and C.V.'s of all staff employed by Irish entity;
- Organigram of company personnel.

The Department may request further information from the applicant, or from INAB. The Department will make a decision based on all the evidence provided whether to proceed with notification or not.

If the Department is satisfied that the applicant, within the scope identified, is fit for notification for the purpose of the CPR, it will issue a letter of notification, stipulating the scope of notification and the conditions for operating as a notified body. Such conditions may include, for example:

- the taking part in co-ordination activities at both Irish and European levels,
- the requirement for surveillance, annually, or at whatever intervals are thought appropriate by the Department,
- the requirement for a full reassessment, every 5 years, or at whatever intervals are thought appropriate by the Department.

Following receipt of acceptance of the conditions in the letter of notification, the Department will notify the European Commission and the other Member States by publishing the details on NANDO[8]. Once the preliminary notification is list on the NANDO, a two week period is allowed for the European Commission or other Member States to raise an objection to the proposed notification.

At the end of the two week period and subject to no objections being raised, the applicant will be considered a notified body for the purpose of the CPR.

[8] Electronic Notification tool developed and managed by the Commission.

7 CE marking for non-harmonised European (construction products) standards

Under the CPR, CE marking is also possible (but is not a legal obligation) for manufacturers of construction products which are not covered, or not fully covered, by a harmonised European (construction product) standard (for example, innovative products). The manufacturer of such a product can apply for a European Technical Assessment, which is another route to CE marking. European Technical Assessments are based on European Assessment Documents[9]. Both of these documents are prepared by Technical Assessment Bodies.

Technical Assessment Bodies are also designated by Member States and communicated to the European Commission, to ensure their competence to carry out these third party assessment activities. However, these bodies are subject to different criteria (in Annex IV of the Regulation). If you have queries on the process for designation as a Technical Assessment Body, please contact the Department of Housing, Planning and Local Government.

[9] See articles 19-26 of the CPR.

8 Accreditation

Bodies seeking to be notified for the purpose of the CPR should apply to the Irish National Accreditation Board (INAB) for accreditation.

INAB will undertake an assessment of the applicant against the relevant harmonised European accreditation standard(s) to ensure that the applicant complies with the requirements of the CPR and has the necessary product knowledge and capability to carry out the proposed activities. The scope of accreditation (and notification) will be determined by reference to the harmonised European (construction products) standards and AVCP systems specified in the application. All applicants will need to be able to demonstrate their professional ability and a necessary level of understanding of both the CPR and relevant harmonised European standards.

Applications should be submitted to INAB electronically via a portal to its customer relationship management (CRM) system. Access to this portal can be requested via INAB's 'Contact us' page at https://www.inab.ie/contact-us/ and full details of the accreditation process are available from INAB directly or on its website at www.inab.ie.

Simultaneous to the submission of its application for accreditation to INAB, the applicant should also inform the Department (as the notifying authority).

Once INAB has completed its assessment and accreditation, it will issue an accreditation certificate and schedule to the candidate Notified Body. The applicant should then submit this certificate and schedule as part of the application for notified body status to the Department. {See section 6 – Overview of Irish Notification procedure above.}

9 Monitoring of Notified Bodies

Reassessment and surveillance will be carried out by INAB in line with usual accreditation practice. A report on all reassessment and surveillance should be sent to the Department by the Notified Body. This report should be accompanied by all relevant documentation.

INAB will advise the Department of the outcome of each annual surveillance, 5 yearly re-assessment, and any other necessary monitoring in the intervening period and any implications for notification.

The Department may request further information about the reassessment and surveillance activities, as required. Reassessment and surveillance may also be carried out by the Department directly.

10 Quality System

All applicants will need to have a Quality System. It will need to ensure that all of the relevant requirements of the appropriate harmonised European accreditation standards in the EN 17000 series are met, plus any further requirements for designation and operation as a notified body.

For Systems AVCP 1+, 1 and 2+, accreditation to *ISO 17065:2012 "Conformity assessment – Requirements for bodies certifying products, processes and services"* is required.

For AVCP System 3, accreditation to *ISO/IEC 17025:2017 "General requirements for the competence of testing and calibration laboratories"* is required.

11 Insurance

All applicants will be required to demonstrate that they have adequate public and professional indemnity insurance for the activities they wish to carry out. Evidence of this should be submitted to INAB and also to the Department at the point at which an application to be notified for the purposes of the CPR is made.

Thereafter, the notified body should make available to INAB evidence of insurance at each annual surveillance undertaken by INAB.

Such cover should extend to the whole of the European Union, the EEA, or, if the applicant intends to carry out work under the CPR outside these areas, world-wide. The Department will not cover a notified body's liability in relation to any case or circumstance.

12 Misuse of Certificates and Identification Numbers

The Quality Manual should state the notified body's policy and procedure for controlling the use of its certificates. Incorrect references to the certification system or misleading use of information found in advertisements, catalogues etc. will be dealt with by the notified body by suitable means including corrective action, publication of the transgression and, if necessary, legal action.

A notified body will need to have documented procedures for the control and use of its identification number complete with guidelines on action to be taken in cases of misuse. The procedures will need to be contained or referenced within the Quality Manual.

13 Information Obligations

Notified Bodies shall agree to keep the Notifying Authority informed of the following:

- Any refusal, restriction, suspension or withdrawal of the conformity of a product issued under the scope of notification;
- Any circumstances affecting the scope of and conditions for the notification;
- How subcontractors used in the process of assessment and verification of constancy of performance meet the requirements of Article 45;
- On request, of all activities performed both within and outside the scope of the notification, including subcontracted tasks and cross border activities;
- Any requests for information received from market surveillance authorities.

Notified Bodies shall agree to provide relevant information relating to conformity assessment and inspection results to other Notified Bodies carrying out activities on the same product.

Notified Bodies will be requested to agree to participate, either directly or by a designated representative, in the work of a coordinating group of Notified Bodies established under Article 43 (11) of the CPR.

Notified Bodies will, in addition, be requested to agree to participate in the activities of the coordination group and/or ensure that its assessment personnel are kept informed and apply the relevant guidance and standardisation procedures arising from the work of the group.

14 Contact point

Built Environment Advisory,

Department of Housing, Planning and Local Government,

Custom House,

Dublin 1.

Tel: +353 1 888 2389/2363

E-mail: buildingstandards@housing.gov.ie

15 Sources of relevant documents

The Construction Products Regulation (including Implementing and delegated acts under CPR)

https://ec.europa.eu/growth/sectors/construction/product-regulation_en

Construction Products Regulations

https://www.housing.gov.ie/housing/building-standards/construction-products-regulation/construction-products-regulation-cpr

Information on the accreditation process:

http://www.inab.ie/

Appendix 1

Typical Terms & Conditions to be included in Letter of Designation:

Designation will be subject to specific conditions, including the following:

a) YYYY shall at all times carry out the duties and functions of a Notified Body to the satisfaction of the Department;

b) YYYY shall fulfil all the requirements set out in the *"Irish notification procedures for the purpose of the construction products regulation (305/2011)"* https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/BuildingStandards/FileDownLoad%2C33548%2Cen.pdf*;*

c) YYYY shall fulfil and comply at all times with the relevant requirements and procedures of the CPR;

d) YYYY shall demonstrate annually, by submission to the Department, that they have adequate public and professional indemnity insurance for the activities they carry out;

e) the Department continues to be satisfied as to YYYY's suitability – including its compliance with the requirements of the CPR (and in particular Articles 43, 45, 46, 52 and 53) and any other requirements set by the Department – to be a Notified Body; in connection with this, YYYY shall, in some circumstances and at the Department's request, submit to immediate reassessment of its suitability for designation;

f) YYYY shall be subject to the reassessment and surveillance, of its accreditation, by the Irish National Accreditation Board (INAB), in line with usual practices, this generally consists of annual surveillance and a full reassessment every 5 years, or as deemed appropriate by INAB. INAB will advise the Department of the outcome of each review and any implications for YYYY's notification;

g) YYYY shall follow the relevant procedures referred to in the CPR; in particular, in relation to the Commission Decision(s) and mandate(s) for the products covered by the scope of its notification

h) YYYY shall authorise, at any reasonable time, access by or on behalf of the Department to -

(i) all documentation arising out of its duties and functions under this designation and shall comply with any reasonable request made by or on behalf of the Department for information regarding the exercise of those duties and functions,

(ii) its premises for the purpose of verifying its compliance with the relevant requirements of the CPR.

The Department, for the purposes of ascertaining that YYYY is performing its duties and functions in accordance with this notification may also carry out surveillance and reassessment at intervals it deems appropriate;

i) YYYY shall take part in the Notified Body co-ordination group, established under Article 43(11) of the CPR, and apply as general guidance the administrative decisions and documents produced by that group;

j) YYYY must maintain its impartiality and independence from all applicants and in no circumstances should it take on the role of authorised representative for any applicant;

k) YYYY shall inform the Department of any changes which have a bearing upon its status as a Notified Body or its ability to perform the duties and functions of such a body under the CPR;

l) the Department may, by notice in writing, add conditions or vary or delete any conditions, to this designation; such additions, variations or deletions shall have effect thirty days after the date of that notice unless a different period is agreed in writing between the Department and YYYY.

m) Designation shall be withdrawn forthwith if it appears to the Department that YYYY no longer fulfils the obligations for designation. In such circumstances, the Department shall, by notice in writing, confirm to YYYY the reasons for the withdrawal of the designation, the date the withdrawal takes effect, the means by which your organisation can appeal and the deadline by which an appeal may be made.

n) Designation may be terminated at the written request of YYYY. A termination shall take effect on the lapse of 90 days following receipt in the Department of such a written request.

Appendix 2

EU legislation for which the Department is the Notifying Authority

Directive	***Contact Details***
Construction Products Regulation (305/2011)	Built Environment Advisory, Department of Housing, Planning and Local Government, Custom House, Dublin 1

Appendix 3

Sample Application for Notification

Once approval has commenced with INAB, you may advance a formal application to:

Built Environment Advisory

Department of Housing, Planning & Local Government,

Custom House,

Dublin 1.

Email: buildingstandards@housing.gov.ie

A cover letter will suffice with the following suggested wording:

"Dear xxxxx,

Per Article 47 of EU Regulation No. 305/2011 of the European Parliament and of the Council of 9 March 2011, XXXXXX wishes to apply under Article 43 of this Regulation to become a notified body involved in the assessment and verification of constancy of performance for construction products. Please find attached our application and accompanying documentation per the Irish Notification Procedures for the Purpose of the Construction Products Regulations (305/2011).

Please contact the undersigned should you require any further information or documentation to support this application.

Yours sincerely,

XXXXXXX"

Details to be included in accompanying documents

1) Applicant:

2) The application concerns the following product areas:

[See area codes listed in Table 1 Annex IV of the CPR (1-35 inclusive)]

AREA CODE	PRODUCT AREA

3) Organisation details: Contact name:

T: +353

E-mail for Irish Entity:

Company Website for Irish Entity:

4) proof of the applicant's legal establishment in Ireland;

   a) Registration with Companies Registration Office (CRO);
   b) verification of Tax Clearance status;
   c) Lease agreement for functional staffed Irish premises.

5) Description of the activities to be performed by XXXX;

6) The AVCP systems for which XXXX claims to be competent:

Area Code	**Group**	**Product/Reference Standard**	**AVCP System**

7) an accreditation certificate and schedule, issued by the Irish National Accreditation Board (INAB), attesting that the applicant meets the requirements laid down in the CPR (in particular Articles 43 and 52), (**Note:** The scope of accreditation should match the scope of notification sought);

8) INAB assessment report;

9) Copy of the Quality manual for the Irish entity;

10) proof of adequate public and professional indemnity insurance for the activities you wish to carry out, held by the Irish Entity;

11) Competence matrix of all staff employed by Irish Entity;

12) Copies of contracts of employment and that are held under Irish Employment Law and C.V.'s of all staff employed by Irish entity;

13) Detailed organigram of company personnel.

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