Construction Products Reform Green Paper - FIS Response 21/05/2025

Chapter	Sub-	No.	Question Text	Response
	Heading			
m		1	Do you agree with this problem	No
An the	L L		definition? [Yes/No]. Please explain	Consistency in regulation is more of a concern than sufficiency or a lack of regulation.
2: of ms	sio		your answer.	
ter ew ble	clu	2	Are there particular functions that	The voluntary adoption and rate of adoption in specification of 3 rd party product certification
ap ervi Pro	uo		the sector does well and should be	and accreditation as well as companies voluntarily joining their relevant trade body to gain
Ch Dve	Ö		protected or encouraged? [Yes/No].	access, better understand and develop best practice guidance.
0			Please explain your answer.	
	~ s	3	What, if any, other potential	Any product regulatory regime needs to be clearly aligned with design standards that should
er 3 siou orm	of Keform Overlap vith other sgulations		overlapping rules, regulations or	be more clearly defined within designer and principal designer requirements and
pte Vis tefo			guidance should we consider when	responsibilities as defined in the Building Regulations and Building Safety Act
Cha Dur of R			designing the construction	
000	V TE		products regulatory regime?	
		4	Do you agree that the U K should	The FIS supports the response from the Construction Products Association (CPA) regarding
F	б С		adopt a definition that is consistent	this question.
orr	lw		with the revised E U -C P R, for	
Ref	and ty		construction products in the U K	
of	ct a afet		regulatory regime? [Yes/No]. Please	
su	du r se		explain your answer.	
itic	pro e fo	5	Is there a need to further clarify the	Yes.
afin	ble		regulatory approach to systems of	As new systems develop and MMC becomes more popular, it is important to not just
De	ctic nsi		products and or Modern Methods of	understand systems and interfaces with other materials or components, and how the
pu	tru		Construction [Yes/No]. Please	performance of an assembly can change dramatically when a component is substituted.
e	res		explain your answer and propose	
doa	cc be		any additional clarifications.	This should not be confused with the distinction between a product which is placed on the
Sc	of a uld			market and a designed solution that is partially manufactured offsite or a bespoke assembly.
r 5.	nor nor			
pte	sl	6	Does the proposed definition of	The proposed definition of 'economic operator' effectively encompasses all parties
ha	efir		'economic operator' capture all of	responsible for ensuring the safety of products when they are placed on the market.
0	Ŭ		those who are responsible for	
			ensuring that products are safe	

			when they are placed on the market? [Yes/No]. Please explain your answer.	This definition includes manufacturers, importers, distributors, and authorised representatives, each playing a crucial role in the product supply chain. By clearly delineating the responsibilities of each type of economic operator, the definition ensures accountability at every stage, from production to distribution. This comprehensive approach not only enhances product safety but also aligns with international standards, thereby facilitating trade and ensuring consumer protection. The clarity provided by this definition helps to prevent any ambiguity regarding responsibilities, ensuring that all operators are aware of their obligations to maintain high safety standards. More clarity is, however, required around where design responsibility ends, and product supplier responsibilities start. This should be clear in contractual relationships (not currently the case) and clarified in a design responsibility matrix on a project-by-project basis to ensure there are no unintentionally inherited responsibilities that cannot be borne by an economic operator, and all operators are given the opportunity to assert the limits of their responsibilities.
Chapter 6: Product Requirements	Product requirements overview	8	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. 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	More guidance is required on requirements and format of risk assessments. The term "reasonably foreseeable conditions of use" is not clear and open to interpretation. Handling of materials on site must be considered as well (i.e. to point of install).

			implications, how could they be mitigated and managed?	
		9	What role should technical	Technical Assessments are critical to ensuring buildings are effectively "engineered" in a
			assessment play in a future regime?	controlled way based on available test evidence.
		10		Within this interpretation of product specific evidence and assessing scope/field of application is essential to support design and construction process. It is not possible to test every configuration – test standards have been developed to support assessment.
			What requirements should apply to products and systems that are critical to safe construction?	This is in an oversimplification, a more nuanced risk-based approach (more akin to AVCP) needs to be considered. There may be for example a further need to distinguish between 'fire performance' and 'other safety critical characteristics' in terms of the proportionality of 3rd party oversight.
				A project specific approach is also warranted with risk assigned formally on a project specific basis through e.g. the Design Responsibility Matrix.
				Trade associations and authoritative bodies will be able to support by acting as 2nd parties to deliver this functionality for identified lower risk categories (e.g. FIS Acoustic Verification Scheme).
				It may be valuable to distinguish products which present an acute risk in the event of failure (e.g. ceiling collapse) as opposed to products which present a continuous risk to the integrity of a building or surrounding structures in the event of failure (e.g. failure of a fire door and subsequent breach of fire compartment).
	ected and	11	What types of requirements could be placed on those responsible for building works to enable them to meet safety obligations in relation	To ensure safety obligations are met in relation to the specification, selection, and installation of construction products, several types of requirements could be imposed on those responsible for building works:
	icts are sele installed		to the specification, selection and installation of construction products?	Compliance with Standards: Clarify adherence to BS and EN Standards through Building Regulations and associated Approved Documents, ensuring that all specified products meet established safety criteria. Any referenced standard should be freely available.
	How produ			Third-Party Oversight: Where available independent third-party oversight of products critical for safe construction to verify their safety and performance and providing a robust mechanism to assess scope and limitation thereof.

			Approved Product Register: The use of an approved product register to help ensure that vetted and compliant products are selected for use in construction projects would be of significant benefit in assessing risk, this could and should be linked to third party oversight and the CCPI approach.
			Training and Competency: Ensure that individuals involved in the specification and installation of products are adequately trained and competent, with ongoing professional development to keep abreast of new regulations and technologies.
			Documentation and Traceability: Require comprehensive documentation for all products used, including specifications, certifications, and installation guidelines, to ensure traceability and accountability.
			Risk Assessment and Management: Conduct thorough risk assessments to identify potential hazards associated with product use and implement management strategies to mitigate these risks.
			Collaboration and Communication: Fostering more structured collaboration between designers, contractors, and suppliers to ensure clear communication and understanding of performance requirements and responsibilities is essential. FIS still maintain that this could be better structured, even in Gateways by greater specificity on the requirements from designers. Specific reference to a Design Responsibility Matrix in Gateway documentation would be beneficial as would encouraging a more standardised approach (aligned to information management standards e.g. ISO 19650) which would support projects not subjected to Gateway Scrutiny.
			By implementing these requirements, those responsible for building works can ensure that construction products are safely specified, selected, and installed, thereby enhancing overall building safety.
	12	What, if any, significant implications are there from implementing safety requirements	Implementing safety requirements for the specification, selection, and installation of construction products carries several significant implications:
		for the specification, selection and	Increased Compliance Costs: There may be additional costs associated with meeting
		installation of construction	enhanced safety standards, including expenses for training, certification, and compliance
		products and how could they be	verification. It will be essential to ensure proportionality with regard to the level of risk
		managed?	inherent in products (including safety critical).

			Supply Chain Adjustments: Suppliers and manufacturers may need to adjust their processes to meet new safety requirements, which could lead to disruptions or delays. This will be particularly apparent where manufacturers are providing a mix of imported and locally manufactured goods and products with and without designated standards with very different routes to regulatory compliance.
			Training and Competency: Ensuring that all personnel involved in the construction process are adequately trained to understand and implement safety requirements is crucial. This can be managed by developing comprehensive training programmes and certification schemes.
			Innovation and Adaptation: New safety requirements may drive innovation in product development and construction methods. Encouraging research and development through grants and partnerships can facilitate this adaptation.
			Regulatory Overlap: There is a risk of regulatory overlap, which could lead to confusion and inefficiencies. This can be managed by ensuring coordination and alignment between different regulatory bodies and streamlining processes where possible.
			engagement, the construction industry can effectively manage the transition to enhanced safety requirements, ultimately leading to safer and more reliable construction practices.
	13	What other regulatory regimes and measures exist to support the safe installation of products in civil	In the realm of civil engineering works, several regulatory regimes and measures exist to support the safe installation of products:
		engineering works? Are there any duplications or gaps?	Building Regulations: These provide a comprehensive framework for ensuring safety and compliance in construction projects, covering aspects such as structural integrity and fire safety.
			Construction (Design and Management) Regulations (CDM): These regulations focus on health and safety management throughout the construction process, ensuring that all parties are aware of their responsibilities.
			British Standards: These standards offer detailed specifications and guidelines for the safe installation and use of construction products, ensuring consistency and reliability. Industry Codes of Practice: Various industry-specific codes provide additional guidance on best practices for safe installation, tailored to specific types of civil engineering works.

				Third Party Certification Schemes: Beyond product such schemes can provide robust standard requirements, audit and traceability protocols for installation and inspection schemes.
				Professional Accreditation Schemes: Schemes such as those offered by Professional and chartered Institutes help ensure that professionals involved in installation are checked for competence and up-to-date with safety practices.
				While these regimes collectively provide a robust framework for safety, there may be areas of duplication, particularly where different regulations overlap in their coverage of safety standards. Conversely, gaps may exist in the integration of new technologies and methods, where existing regulations have not yet been updated to reflect current practices. Continuous review and coordination among regulatory bodies are essential to address these duplications and gaps, ensuring a cohesive and comprehensive approach to safety.
-	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.	Yes, See response to question 16 for considerations.
		15	Should upfront approval from the national regulator be required for third-party certification schemes? [Yes/No]. Please explain your answer.	Yes, See response to question 16 for considerations.
		16	What could help increase the take- up of these types of schemes?	These schemes will struggle to operate in smaller markets under a remit for performance characteristics that carry less risk than fire performance. Third-party certification schemes will need to be able to operate under a proportional risk model and minimum requirements from government will need to reflect this.
	Product informatio n 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?	Disassembly requirements and conditions of reuse should be included.

	4arketing	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. How is industry addressing gaps in	N/A FIS remains heavily committed to the work of SLG 10 through the ICSG
	2		construction product installation competence?	
		20	What more can be done to support the improvement of competence in the construction products industry?	Beyond the competence frameworks, support will be required for implementation, many niches will be difficult to create appropriate qualifications due to commercial pressures in training.
	nstallation skills			Manufacturer support for installers is vital to support specific system requirements. This work should be aligned to Relevant Authority Status to ensure that confusion does not result and conflicting competence frameworks undermine requirements that have been robustly assessed through this process.
	_			Concern remains about the alignment of the competence requirements of the Principle Designer, interpretation in the market and the co-ordination of those managing the Design Development Process. This is particularly the case for complex projects outside of the HRB environment.
Chapter 7: Clear accessible information	uiry endations	21	What test information is necessary to facilitate appropriate selection, safe installation, and to demonstrate that claims made can be evidenced?	This will vary significantly between product types. Greater focus needs to be on designing within engineering constraints with interface and fixing details prioritised in the design development process.
	Ing recomm	22	What, if any, significant constraints might prevent disclosure of all test data and how could they be mitigated?	Manufacturers will require assurances over intellectual property concerns. Clarity is required on the R&D exemption/distinction for test data not commissioned by a Conformity Assessment Body.

		23	What information would it be useful to include on a construction library and who would it benefit?	FIS would be happy to engage with the CPR on requirements within sub sectors.
	Digital solutions	24	What benefits or challenges could digital labelling or EU Digital Product Passports bring?	Significant upside in terms of availability of information and traceability. There remains a lack of standardisation in terms of format of information that adds to data confusion. We still do not have standard Product Data Templates developed through a Relevant Authority (as proposed by Lexicon).
	Traceability	25	Are the proposals we have outlined to improve access to product information enough to support traceability? [Yes/No]. Please explain your answer.	No See above
	arking	26	Should digital labelling be available as an alternative to the U K C A mark? [Yes/No]. Please explain your answer.	No It should align
	Product ma	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.	No This is not the role of Government
Chapter 8: Assurance and Oversight	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.	No Further consultation is required on specific elements and there still remains confusion about how products, components and systems and responsibility thereof is managed. It is critical that design standards and the delivery of the Plan of Works is looked at afresh in the context of recommendations.

		29	Should the government have the ability to recognise conformity assessment activity undertaken by CAB s established outside of the UK ? [Yes/No]. Please explain your answer.	Yes, Mutual recognition between UK and EU conformity assessment bodies should be a priority.
		30	What support do UK CAB s need to invest, grow and improve their skills?	Lack of mutual recognition in combination with continuing recognition of the CE mark disincentivises use of testing facilities and conformity assessment bodies based in the UK.
		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?	N/A
	ards Institution	32	What are the strengths and weaknesses of the standards development process, and where could it improve?	More academic involvement to support independence would be helpful. Whilst BSI support the secretariate process they seldom provide significant technical input at drafting stage, relying on the industry for this. Individuals will be representing company views, these should be considered, but vital that independence is maintained. Often designers or contractors may not be involved in the standards committees. Trade bodies commit significant resource to the process relying on voluntary industry contributions to do this work. The cost of sponsoring standard is too high and should be detached from "how many can we sell" to offset.
	British Standa	33	What opportunities are there for government and the national regulator to work more collaboratively with the BSI?	This is not a question FIS Could answer, however the role of trade bodies as relevant authorities should be looked at here. Much of the technical expertise is provided via voluntary forums which will vary in strength depending on the sector.
	The	34	Should mandatory standards be free to access? [Yes/No]. If yes, please provide suggestions on how this could be achieved, including funding.	Yes

	Research and development	35 36	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. What should the government's role be in supporting R&D in relation to construction products and the wider built environment?	Yes See response to question 30 More support is required for near to market innovation to help bring it to market. Innovation will be stifled by the increased cost of compliance associated with changes proposed.
gulating 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.	Yes Strong regulation badly enforced is the worst of all worlds.
		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.	There is a balance to be struck and significant thought needs to be given to the "black box" thinking approach. Too heavy sanctions can lead to cover-up and fear. We need a progressive Regulator that works with the industry, most significantly in the early stages of the transition to new regulatory oversight.
Chapter 9: Re	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.	The approach is critical. Local Authority Trading Standards is not equipped or expert enough. It is also a challenge to approach a localised regulator – who has jurisdiction, the agency in proximity to the manufacturer or the project. Our experience of LATS on construction issues is not positive to date. Significant resource and training would be required and we remain unconvinced that this is

	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. Should the national regulator play a stronger role in enforcement of misleading marketing? [Yes/No]. Please explain your answer.	See above comments on LATS Yes CCPI remains voluntary, but it provides a good framework for any manufacturer to follow. Claims should be evidenced clearly and if inappropriate claims are identified then sanctions should apply.
	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? Which regulatory authorities should play a role in ensuring compliance with our proposed obligations	FIS is not able to answer with authority, but the principle should be clear, simple mechanisms to report and that ensure that any issues raised do not fall between authoritative stalls. There should be one clear oversight body that can deal effectively with complaints. We have been impressed to date with the approach taken by CROSS and believe this is a positive intervention. Beyond those set down within this document, close working relationship with the Advertising Standards Authority should be considered.
Surveillance throughout the whole system	44	around product use? Please explain your answer. 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.	The limited surveillance work undertaken by LATS is a concern. It does not seem appropriate, unless significant new resource and training is implemented that this can work (again considering replication and fragmentation of the regional approach). The NRCP numbers referred to as numerous when you consider the scale of construction do not appear to be significant. More information is needed before substantive comment can be made on Proactive Surveillance, but a risk based approach could be effective. How this is conducted and product sampled will be a challenge in some cases. Close working relationship with CABs is essential.

		45	We are considering options to	N/A
	Enforcement	10	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	
	_		vour answer	
-		46	We have set out proposed	Ves
		40	interventions and sanctions	But conditional on effective resourcing of enforcement. Too operous enforcement against too
			available to the national regulator	small a group would notentially be negative
			Do you think these will enable the	
			national regulator to effectively	
			manage non-compliance in the	
	ns		soctor2 [Vos/No] Ploase explain	
	tio			
	anc	17	We have set out our intention to	N/A
	l ss	47	we have set out our intention to	N/A
	anc		explore regulatory powers to timit	
	s sr		individuals activities in the	
	tior		construction sector, in line with	
	eni		provisions in other regulatory	
	2 S		regimes such as food safety. Do you	
	Int		agree with this proposal? [Yes/No].	
		10	Please explain your answer.	
		48	What, if any, additional measures	N/A
			should we consider to strengthen	
			the powers of regulatory	
			authorities, beyond those we have	
			outlined in this chapter?	

I		40	If you have aufferred a financial last	N1/A
		49	ii you nave suffered a financial loss	N/A
			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	
	vil redress		difficulties? Please explain your	
			answer.	
		50	If you have suffered a financial loss	N/A
			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,	
	Ö		did you face any difficulties? Please	
	-		explain your answer.	
		51	Do you think that there are	N/A
			improvements that could be made	
			to the current system to ensure that	
			claims against manufacturers can	
			be effectively pursued? [Yes/No]. If	
	-		ves, please explain your answer.	
		52	Do you think that there is anything	N/A
		02	additional that government should	
			do to support effective redress	
			against construction product	
			manufacturers? [Ves/No] If ves	
			please explain your answer.	

Chapter 10: Environment and Sustainability	ronmental Products Products Istruction covered by a ucts reform general safety designated requirement 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. 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? Do you support the proposed actions above? [Yes/No]. Are there any other actions that could be taken and by whom (e.g.	Reused products should be able to be placed on the market on the basis of a contextual risk assessment outside the requirements of Article 4 of the EU CPR, that considers the original warranty conditions, a predictive model of the expected deterioration of the performance characteristics of the product and a proportional refurbishment regime. Considering the impact of product is important. A simplified approach to Life Cycle Assessments should be accessible to support the introduction of new products with longer term requirements associated with EPDs to follow. Yes, please refer to the below in addition to the Construction Product Association (CPA) response for details. Spares: Parts from upstream in the supply chain often force redesign and superseding of product lines outside the control of LIK manufacturers. Holding spares under these circumstances is
Chapter 11: Further Evidence Requirements	Er c pro	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. What direct or indirect costs could yourself, businesses and wider society have due to our proposed reforms?	N/A N/A

	58	Is there anything else you would like	1.	In addition to answers given, FIS supports in full the response by the Construction
		to inform us of, that you have not		Products Association (CPA).
		been able to through other	2.	The differing routes to regulatory compliance for products with and without
		questions in this publication?		designated standards require harmonisation. Manufacturers will benefit from the
				ability to voluntarily adopt a more stringent process until such a time as it is required.
				Many manufacturers offer components that are covered by a designated standard
				and system kits that do not, and some are additionally expecting a designated
				standard to be developed in future but cannot plan around its introduction.