

**Programme on the market surveillance
of harmonised construction products pursuant to Regulation (EU) No 305/2011 and
Regulation (EC) No 765/2008**

2014

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I. Framework

Under Article 18(5) of Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products, the Member States draw up sector-specific market surveillance programmes.

This particular market surveillance programme applies to the construction products sector, which is covered by EU law. It has been published online at <http://www.dibt.de/de/Geschaeftsfelder/data/MÜ-Programm.pdf> and is being notified to the other EU Member States and to the Commission.

The programme has been in force since 1 January 2010 and was updated on 1 July 2013.

II. Product areas covered

Market surveillance under this programme relates to all the construction products pursuant to Regulation (EU) No 305/2011 which are covered by a harmonised standard or for which a European technical assessment has been issued. It also covers construction products which unlawfully display a CE marking and construction products for which the manufacturer has used Specific Technical Documentation. Construction products are divided into the following product categories:

1. Precast normal/lightweight/autoclaved aerated concrete products.
2. Doors, windows, shutters, gates and related building hardware.
3. Membranes, including liquid applied and kits (for water and/or water vapour control).
4. Thermal insulation products. Composite insulating kits/systems.
5. Structural bearings. Pins for structural joints.
6. Chimneys, flues and specific products.
7. Gypsum products.
8. Geotextiles, geomembranes and related products.
9. Curtain walling/cladding/structural sealant glazing.

10. Fixed fire fighting equipment (fire alarm/detection, fixed firefighting, fire and smoke control and explosion suppression product).
11. Sanitary appliances.
12. Circulation fixtures: road equipment.
13. Structural timber products/elements and ancillaries.
14. Wood based panels and elements.
15. Cement, building limes and other hydraulic binders.
16. Reinforcing and prestressing steel for concrete (and ancillaries). Post tensioning kits.
17. Masonry and related products. masonry units, mortars, and ancillaries.
18. Waste water engineering products.
19. Floorings.
20. Structural metallic products and ancillaries.
21. Internal and external wall and ceiling finishes. Internal partition kits.
22. Roof coverings, roof lights, roof windows, and ancillary products. Roof kits.
23. Road construction products.
24. Aggregates.
25. Construction adhesives.
26. Products related to concrete, mortar and grout.
27. Space heating appliances.
28. Pipes-tanks and ancillaries not in contact with water intended for human consumption.
29. Construction products in contact with water intended for human consumption.
30. Flat glass, profiled glass and glass block products.
31. Power, control and communication cables.
32. Sealants for joints.
33. Fixings.
34. Building kits, units, and prefabricated elements.
35. Fire stopping, fire sealing and fire protective products. Fire retardant products.

III. Checking of construction products

Throughout the term of the programme, the competent market surveillance authorities carry out checks of construction products in the above categories to determine whether they comply with the requirements of **Regulation (EU) No 305/2011** and of **Article 30 of Regulation (EC) No 765/2008**. The features of the construction products are checked by taking relevant samples. The checks are carried out in DIY centres, building supplies outlets and at retailers and wholesalers. Special distribution channels (e.g. direct sales) are also included, and checks are carried out at manufacturing plants on construction products which have been placed on the market.

The checks involve a visual inspection of the construction product and an examination of the documentation (e.g. CE marking, information about the CE marking). Where appropriate, e.g. in cases of suspicion, physical checks and laboratory tests are also carried out.

Findings regarding construction products which are hazardous or non-compliant and which are manufactured outside the European Economic Area and are intended to be placed on the EU market are taken into account when drawing up product risk profiles and are communicated to the authorities responsible for **checks at the external borders** (customs authorities). Checks on construction products which have already been imported and placed on the EU market are organised in cooperation with the customs authorities. Construction products of this kind include, in particular, those which are supplied by the manufacturer or importer directly to users without the involvement of a further economic operator.

If there is evidence to suggest that construction products which have been checked are in breach of **other relevant harmonisation legislation** (such as the General Product Safety Directive (2001/95/EC), the Gas Appliances Directive (90/396/EEC) or Directive 2006/95/EC on electrical equipment designed for use within certain voltage limits), the competent market surveillance authorities are informed accordingly.

IV. Restrictive measures

In accordance with Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance and Regulation (EU) No 305/2011 on construction products, the competent market surveillance authorities adopt **restrictive measures** with due regard to the principles of proportionality¹. Restrictive measures may also be taken if a construction product is found to pose a risk with regard to compliance with the basic requirements for building sites, human health or safety or other factors which require protection in the public interest. **Penalties** (such as fines) may also be imposed.

V. Cross-border cooperation

Where necessary, the competent market surveillance authorities carry out product checks which reflect the regional markets (e.g. checks involving similar products), also in tandem with the market surveillance authorities **of other Member States**.

¹ In the harmonised construction products sector, there are no general principles at European level for the risk assessment laid down in Regulation (EC) No 765/2008 (see Articles 19(1) and 20(1)) that are comparable to the RAPEX guidelines for consumer products.

If the market surveillance authorities take the view that the non-compliance of a construction product is not limited to Germany, they notify the Commission and the other Member States accordingly. They also inform the Commission and the other EU Member States about any provisional measures which they have taken in order to prohibit or restrict the placing of a construction product on the national market or to a remove or recall a construction product from the market, and about any requirements laid down pursuant to Article 58(1) of Regulation (EU) No 305/2011.

VI. Other preventative measures

The measures involved in the market surveillance of harmonised construction products include providing information to target groups (e.g. economic operators [manufacturers, traders, importers], professional associations, participants in the construction sector [architects, civil engineers, etc.]) and providing information online.

VII. Reactive market surveillance

The competent market surveillance authorities also take action in response to justified reports to the police, complaints or other information on non-compliant construction products and in connection with notifications from other EEA states, such as in connection with the rapid alert system (RAPEX).

VIII. Information on the competent authorities

The market surveillance programme is implemented by the competent market surveillance authorities in the *Länder* and by the *Deutsches Institut für Bautechnik* (DIBt) [German institute for civil engineering] (www.dibt.de => Marktüberwachung [market surveillance]). An up-to-date list of the contact points in the *Länder* is available on the website.