Marking of Construction Products

under

EU Directive 89/106/EEC

Building Regulations Advisory Body (BRAB)
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<td>20</td>
</tr>
</tbody>
</table>
SECTION 1

Introduction

At present, local authorities rely on national standards in enforcing Building Regulations or issuing Specifications for Public Works/Supplies contracts. These standards are generally Irish Standards (I.S.) or British Standards (BS) or standards of a Member State of the EEA which provide in use an “equivalent” level of safety and suitability.

While these national standards have helped to achieve quality in building, they vary widely from one Member State to the next and have acted as a technical barrier to international trade in construction products. Such barriers must be removed if there is to be more effective competition in the construction supply chain and on construction prices, within the EU Internal Market. Ireland has one of the most open construction markets in the EU—it is estimated that about 40% of construction materials and products are imported. It is vital to Irish exporters of building materials and products, which have a total estimated value of over €1 billion per annum, that technical barriers to exports be removed.

Free trade in construction products is particularly important to Ireland, as we continue to implement the National Development Plan 2000-2006, which contains construction projects with a total value in excess of €28 billion at 1999 prices.

To address the problem of technical barriers to international trade caused by varying national standards, the EU adopted the Construction Products Directive (CPD)-89/106/EEC- for the harmonisation of construction product standards. The CPD was legally implemented in Ireland by the European Communities (Construction Products) Regulations 1992 (SI No. 198 of 1992).

The EU adopted a second Directive (93/68/EEC) amending the prescribed format of CE marking to be used on, inter alia, construction products complying with the CPD. This Directive was legally implemented in Ireland by the European Communities (Construction Products) (Amendment) Regulations 1994 (S.I. 210 of 1994).

CE marking should provide assurance to regulators, clients and all parties in the construction chain that a product with CE marking, if properly used and installed, will enable a building to comply with the essential requirements laid down by the CPD.

This brochure seeks to explain, in as simple terms as possible, requirements for the affixing of the CE marking to construction products. It does not purport to be a legal interpretation of the relevant EU/national law. It is intended to help
regulatory/enforcement authorities, manufacturers, specifiers, certification, inspection and test bodies.

Due to the complexity of the task, and the difficulty of achieving a consensus among European countries, the production of harmonised European technical specifications (standards/approvals) for construction products has taken much longer than anticipated in the 1980s and 1990s.

However, the first harmonised standard for a major traditional construction product—Cement—was transposed in Ireland as IS EN 197 (Parts 1 and 2), is operative since 1 April 2002, and the relevant Irish national standard (I.S. 1: 1991) has been withdrawn with effect from that date. The harmonised standard for Concrete has been transposed as IS: EN 206 (Part 1); and those parts of I.S 326 which are in conflict with the new European standard will be withdrawn on 1 December 2003. Each IS:EN has a National Annex— which contains additional information and guidance for building practitioners in Ireland.

There are currently—

- around 70 harmonised standards (hENs) for traditional construction products; and

- around 20 European Technical Approval Guidelines (ETAGs) for innovative construction products.

Details of the transposition (publication) of these European technical specifications (as IS: ENs) in Ireland, and relevant operative dates, can be found on the website (www.nsai.ie) of the National Standards Authority of Ireland— which includes a section for the Irish Agreement Board (IAB), which approves/certifies innovative construction products.

ETAGs provide a framework for the adoption of European Technical Approvals (ETAs) by Member States. A list of ETAs adopted by Member States can be found on the website of the European Organisation for Technical Approvals (EOTA)—www.eota.be.

These websites will be continuously updated, as additional European technical specifications come on stream and are transposed.

It is expected that around 600 harmonised European technical specifications will be adopted, by end 2007.

Accordingly, it is essential that all parties to the construction chain in Ireland learn and understand the requirements of the CPD; and about CE marking. This brochure is a first step in the education process involved.

The Department of the Environment and Local Government would like to acknowledge the kind permission of the UK Office of the Deputy Prime Minister (ODPM) to use relevant material contained in the UK booklet on the “CE Marking under the CPD” (March 2001).
SECTION 2

CPD Framework

The CPD aims to remove technical barriers to trade in construction products between Member States in the European Economic Area (EEA). To achieve this, the CPD provides for the following four main elements:

• a system of harmonised technical specifications (products standards and technical approvals);

• an agreed system of Attestation of Conformity (AOC) for each product family (with the product specifications);

• a framework of Notified Bodies; and

• the CE marking of construction products.;

The CPD does not aim to harmonise Building Regulations across Europe. Member States are free to set their own requirements on the performance of building works and, therefore, construction products. What the CPD harmonises are the methods of test, the methods of declaration of product performance values, and the method of conformity assessment. The choice of required values for the chosen intended uses is left to the national regulators in each Member State.

The national Building Regulations of Ireland and/or the related Technical Guidance Documents must be amended, on a phased basis (which has started in 2001), to take account of new European classifications and standards. The Building Research Establishment (BRE) have recently been appointed to advise on the review/revision of Technical Guidance Document B (Fire Safety) to incorporate the new harmonised European fire performance standards, testing and classifications. It is planned to publish the revised TGD B, following a public consultation process, in mid 2003.
SECTION 3

Harmonised Technical Specifications

3.1 General

Harmonised Technical Specifications are-

- **harmonised European Standards** (hENs) produced for *traditional* construction products by CEN/CENELEC; or

- **European Technical Approvals** (ETAs) for *innovative* construction products (or products for which there are no established or emerging standards) produced by members of the *European Organisation for Technical Approvals* (EOTA), on the basis of *European Technical Approval Guidelines* (ETAGs).

The purpose of the harmonised technical specification for a product is to cover all the performance characteristics required by Regulations in any Member State. In this way, manufacturers can be sure that the methods of test and methods of declaration of results will be the same for any Member State, (although the values chosen by regulators may be different from one Member State to another).

The preferred route under the CPD is for harmonised standards to be written wherever possible. But if standards cannot be produced or foreseen within a reasonable period of time, if a product deviates substantially from a standard or if the product is a new or innovative, then the product may be the subject of a ETA.

ETAs may be written according European Technical Approval Guidelines (ETAGs) if several manufacturers of a particular product in several countries express an interest. If few manufacturers in only one or two countries express an interest or if the product by its nature is supported by only one manufacturer (e.g. a patented product), then ETAs may be issued *without* guidelines. These are called ‘Article 9.2 ETAs’.

An ETA will have a validity period of 5 years.
3.2 Harmonised Technical Specifications – Mandatory and Voluntary Parts

European product standards often address characteristics which are considered relevant for the product in question, but which are not regulated in any Member State. Because of this, all harmonised product standards under the CPD include an Informative Annex (termed Annex ZA), the first part of which (ZA. 1) lists the mandatory or regulated requirements and the clauses in the standard in which they are addressed. Some of these clauses may in turn refer to separate supporting standards such as test standards.

The parts of the standard which are not required by Regulations are termed the voluntary or non-harmonised parts of the standard. These are not included in Annex ZA. 1.

In this way, Annex ZA. in the harmonised standard becomes a checklist for CE marking from which the manufacturer can see all the possible requirements of his product and how they can be met.

Chapter 8 of an ETAG serves the function of Annex ZA.1 in a harmonised standard.
SECTION 4

Attestation of Conformity (AOC) Sytems

4.1 General

Attestation of conformity (AOC) is the means by which a construction product is declared in conformity with the harmonised technical specification.

At present, a significant barrier to trade arises from the different attestation levels required by Member States for the same product. Hence these requirements, which apply to the mandatory part of the European technical specification, are also ‘harmonised’ under the Directive. For each construction product family, the AOC system has been decided collectively by the Member States and the Commission on the basis of:

- the implications for health and safety of the construction product;
- the nature of the construction product,
- the effect of the variability of the construction product characteristics on its serviceability; and
- the susceptibility to defects in the production process.

4.2 AOC systems and related tasks

AOC may involve third parties in assessing the conformity of the product according to the relevant technical specification(s).

Six (6) AOC systems are used under the CPD as follows:

- **System 1+** Certification of product conformity, with audit testing.
- **System 1** Certification of product conformity, without audit testing.
- **System 2+** Certification of Factory Production Control (FPC), with continuous surveillance.
- **System 2** Certification of Factory production control (FPC), without surveillance.
**System 3**  Initial type testing.

**System 4**  Manufacturer’s tasks only.

The *tasks* for the manufacturer and for the notified body are summarised in **Figure 1**.

*All AOC systems, including the least onerous (system 4), require the manufacturer to have a fully recorded Factory Production Control (FPC) system.* The criteria for this should be included in the technical specification.

The attestation procedures for a product are set out in the relevant technical specification. For standards these appear in Annex ZA.2 and for ETAGs in Chapter 8.
### Figure 1  Attestation of Conformity (AOC) tasks required under the CPD

<table>
<thead>
<tr>
<th>Conformity Attestation (Commission numbering system)</th>
<th>1+</th>
<th>1</th>
<th>2+</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tasks for the Manufacturer</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Factory production control</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>• Further testing of samples taken at the factory according to a prescribed test plan</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Initial type testing</td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td><strong>Tasks for the Notified Body</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Initial type testing</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>• Certification of FPC</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Surveillance of FPC</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Audit testing of samples</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Χ = task required

### 4.3 Manufacturer’s Declaration of Conformity and related Technical File

On completion of all the appropriate attestation tasks for the construction product, the manufacturer is required to complete a ‘Declaration of Conformity’ which is kept with his Technical File concerning the product. This may be supported by-

- Certificate of Product Conformity;
- Certificate of FPC;
• Test Laboratory Reports or Certificates, and/or his own test results,

depending on the AOC system required.

An outline of the manufacturer’s declaration of conformity and the certificate of
product conformity (if relevant), is included in Annex ZA of the product standard or
Chapter 8 of the ETAG.
SECTION 5

Notified Bodies

5.1 Notified Bodies

Notified bodies are-

- Product Conformity certification bodies;
- FPC certification bodies;
- Inspection bodies; and
- Test Laboratories

who are competent to carry out the attestation tasks described in the previous section.

Such bodies are first approved by their respective Member States to carry out certain designated tasks, and then notified to the EU Commission and other EU Member States. Accordingly, they are often called ‘approved bodies’, but also are variously described as ‘designated bodies’, or ‘notified bodies’ or sometimes ‘Article 18 bodies’ after the relevant clause in the CPD. They will be referred to as ‘notified bodies’ in the remainder of this publication.

Relevant bodies can be fully notified when a finalised technical specification is available, or somewhat in advance of availability- provided the relevant bodies are already working in a closely similar area (e.g. to an I.S. or a draft hEN for the same product).

There is also a category called ‘provisional notification’, which can take place much further in advance of the final technical specification and for which the requirements are less exacting. Provisional notification allows notified bodies to prepare for working under the CPD, both in terms of getting suitable equipment, staff, etc. and to establish commercial links with manufacturers. It also provides an opportunity for bodies to get together with their European counterparts in the CPD ‘Group of Notified Bodies’ to discuss practical implementation matters so that there is a consistent approach to the tasks.

The National Standards Authority of Ireland (NSAI) is a certification and inspection body; and is the only notified body in Ireland to date. Additional Irish notified bodies, with their approved tasks identified, will be published on the Department’s web site (www.environ.irlgov.ie), as soon as they become notified. Guidance Notes for certification and test bodies who wish to become notified can be
In many cases, the expected volume of domestic manufactured construction products requiring testing/certification, would not economically justify the establishment, and ongoing operation, of testing facilities in Ireland. Accordingly, it makes sense for manufacturers to arrange testing in another EEA Member State – where assessment (e.g. fire testing) facilities already exist and may be underutilized. These facilities may be available at more competitive fees than would be charged by a similar facility in Ireland, if available.

Once a harmonised technical specification is available for a construction product, a manufacturer will be able to approach any such notified body in any country of the European Economic Area (EEA) for assessment according to the appropriate attestation procedure.

5.2 ETA Approval Bodies

These are organisations designated by their respective Member States as competent to assess products and on this basis to issue European Technical Approvals. Just as for notified bodies described in Section 5.1, ETA approval bodies are notified to the Commission and other Member States.

One Irish body has so far been designated and notified for this purpose. This body is the NSAI/Irish Agrément Board (IAB) and is found on the NSAI website (www.nsai.ie).

A complete list of all ETA approval bodies, is included in the EOTA website (www.eota.be).

The process of issuing the ETA in the first instance is a separate process from the subsequent attestation procedures. Hence, once an ETA has been issued for a product, the manufacturer is free to choose another body to carry out the attestation procedures.

It has become accepted terminology to refer to the bodies described in this section as ‘ETA approval bodies’, as distinct from ‘notified bodies’, which applies to attestation bodies as described in Section 5.1 above.
SECTION 6

The CE marking of products

6.1 Format and Value of CE marking

CE marking is a ‘passport’ enabling a product to be legally placed on the market in any Member State. However, as explained below, this does not necessarily mean that the product will be suitable for all end uses in all Member States. An example of CE marking is given in Figure 2.

![Figure 2](image)

The way in which CE marking should be approached for a specific product is set out in the technical specifications. For standards, this is set out usually in Annex ZA.3; and for ETAGs in Chapter 8.

6.2 Responsibility for CE marking

Affixing the CE marking is the responsibility of the manufacturer or the manufacturer’s agent (e.g. importer) or authorised representative established within the EEA.
6.3 Technical Content of CE marking

One of the most important aspects of the CE marking is that it includes technical information in the form of declared values. Where minimum or maximum values have been set in the standards themselves, these values are not repeated in the CE marking. Similarly, classes of performance may be declared with the CE marking, with the ‘key or legend’ to the classes appearing in the standard.

The CE marking [and any accompanying documentation] is, in effect, a harmonised technical data sheet. Together with the standard, it gives all the information needed by specifiers and regulators to judge whether the product is suitable for a particular intended use in the country in which it is sold, according to the Regulations which apply in that country.

Where no Regulations exist in a particular country or covering a particular use, a manufacturer is not required to determine and declare values for the characteristics that are not regulated. In these cases, the manufacturer may declare ‘no performance determined’ or NPD.

6.4 Quality Marks

The CE marking is not a quality mark. It simply shows that the product addresses the regulatory requirements.

Quality marks are allowed to appear alongside the CE marking- provided they are voluntary/market driven and are not required by Regulation. The appearance or purpose of quality marks should not be capable of being confused with CE marking; and the display of quality marks should not, in any way, obscure the clear display of CE marking.

National quality marks must not be introduced which act as a technical barrier to international trade in construction products, thereby undermining a fundamental objective of the CPD.

6.5 Further Information

Further information on CE marking can be found in Guidance Paper D-“ CE marking under the Construction Products Directive”, which can be found on the EU Commission website:

http://europa.eu.int/comm/enterprise/construction/internal/guidpap.html
SECTION 7

Incorporation into National Building Regulations

7.1 Transitional Arrangements

Following the date of availability of a harmonised European standard (hEN) from CEN, the EU Commission will publish its reference in the ‘C’ series of the Official Journal of the European Communities (OJEC). The reference will be accompanied by the date at which manufacturers across Europe may begin to apply CE marking to the product concerned - usually 9 months after the date of availability of the hEN.

After the initial 9 months, a period of coexistence will begin- during which manufacturers will be free to use the new harmonised hENs and apply CE marking, or continue to use the old national standards without CE marking. The length of the period will depend on the product concerned and will be set out in the harmonised standards but it will usually be 12 months- unless the Commission in consultation with the Member States has agreed a different period. The periods of coexistence for fire tests are likely to be somewhat longer than this.

After the period of coexistence, conflicting national standards must be withdrawn. For CE marking to be applied after the co-existence period, production must comply with the harmonised technical specification and no further products manufactured to the old standard. However, products already in the supply chain will be considered to have already been ‘placed on the market’ and will not have to be removed after the period of coexistence.

The situation on transitional arrangements for standards is shown in Figure 3. The situation for ETAGs is shown in Figure 4 (note that for ETAGs, the period of coexistence will usually be 24 months, after the initial 9 months).

7.2 Amendment of Building Regulations and related Technical Guidance

During the 9 month period between the date of availability of the hEN and the beginning of CE marking, EU Member States (including Ireland), will have to make any necessary adaptations to their Regulations and related Technical Guidance. This is to ensure that construction products complying with the new hENs, and hence declaring data in the new way, will be equally acceptable as those complying with present national standards.

However, where specific references are made to product standards or technical approvals, or to codes of practice in which product standards are called up, then appropriate amendments will be made and published. The Department began incorporating the necessary amendments in the relevant Technical Guidance Documents, on a phased basis, in 2001 (clay/ceramic flue liner standard) and 2002 (cement standard). Technical Guidance Document B (Fire Safety) will be comprehensively reviewed and revised, by mid 2003, to incorporate new European standards, testing and classifications relating to the fire performance of construction products. In accordance with normal practice, this revision of TGD-B will be preceded by a public/industry consultation process.

**Figure 3**

Transitional arrangements for Harmonised European Standard

<table>
<thead>
<tr>
<th>CEN Standard (hEN)</th>
<th>National System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Availability (DAV)</td>
<td>National Technical Specifications apply</td>
</tr>
<tr>
<td>National Standard version of hEN (IS:EN) announced - NSAI</td>
<td>CE marking is NOT available in this period</td>
</tr>
<tr>
<td>Publication of National standard version of hEN - NSAI</td>
<td>Reference to National standard version of harmonised hEN published in MS</td>
</tr>
<tr>
<td>CEN officially notifies EC of hEN</td>
<td>START</td>
</tr>
<tr>
<td>NSAI</td>
<td>3 months</td>
</tr>
<tr>
<td>EC officially notifies Member States</td>
<td>6 months</td>
</tr>
<tr>
<td>hEN reference published in the OJEC</td>
<td>MS</td>
</tr>
<tr>
<td></td>
<td>9 months</td>
</tr>
<tr>
<td></td>
<td>Option of CE marking available</td>
</tr>
<tr>
<td></td>
<td>CO-EXISTANCE PERIOD (default 1 year)</td>
</tr>
<tr>
<td></td>
<td>Systems in parallel during this period</td>
</tr>
<tr>
<td></td>
<td>+12 months</td>
</tr>
<tr>
<td></td>
<td>END</td>
</tr>
<tr>
<td></td>
<td>Date of withdrawal of conflicting National standards</td>
</tr>
<tr>
<td></td>
<td>hEN and CE marking apply</td>
</tr>
</tbody>
</table>
Figure 4 Transitional arrangements for ETAG

EC/EOTA

Producer applies for ETA

Date of Availability (DAV)

ETAG officially exists

ETAG published in Member State- NSAI website

National Technical Specifications apply

CO-EXISTENCE PERIOD (default 2 years)

Option of CE marking available

Systems run in parallel during this period

+ 24 months

END

Date of withdrawal of conflicting National technical specifications

ETAG and CE marking apply

Total: 33 months

START

9 months

ETAG

National Systems

CE marking is NOT available in this period

9 months

9 months + 24 months

Total: 33 months
SECTION 8

Implications for Building Practitioners

8.1 **CE marking:** the visibility of CE marking on construction products has begun to accelerate following the withdrawal of I.S. 1: 1991 Portland Cement and its replacement with I.S. EN 197 for Common Cements, with effect from 1 April 2002. In all, there will be around 600 harmonised product standards under the CPD, the majority of which will be available by end 2007.

8.2. **Manufacturers and Trade Associations:** will need to be aware of progress on the technical specifications which apply to their products, via the website of the National Standards Authority of Ireland (www.nsai.ie). Manufacturers will need to familiarise themselves with the technical content. For standards, the basis for CE marking is set out in Annex ZA or for ETAGs in Chapter 8. If the Attestation of Conformity (AOC) system requires involvement of a certification or test body, the manufacturer will need to commission a notified body to carry out the work. Most manufacturers will place the CE marking on their products for commercial reasons but the conformity mark will be essential if manufacturers wish to export to countries in which CE marking is compulsory. Manufacturers who wish to export will need to determine, for the country of destination, the performance values required by the Regulations of that country for the chosen intended use.

8.3 **Building Control Authorities:** will be kept up to date with CPD related developments by the Department of the Environment, via –

- Circular Letters, issued at regular intervals;
- Amendments of Technical Guidance Documents on the national Building Regulations;
- Conferences and Training Seminars; and
- Department’s website (www.environ.ie/planning/construct.html).

8.4. **Specifiers and other Construction Professionals:** will need to keep abreast of the introduction of product standards and ETAs, and amendments to Building Regulations and their supporting documents. These will include not only the Technical Guidance Documents but also I.S. Codes of Practice and other linked documentation.

8.5. **Useful Contacts:** addresses of useful sources of additional information are set out in Section 9.
SECTION 9

Sources of additional information

**Building Regulations and Technical Guidance implementing CPD**

Department of the Environment and Local Government
Construction Section
Custom House
Dublin 1

Tel: (01) 888 2000
website: www.environ.ie/planning/construct.html

e-mail
• Fire Safety standards:
  fergal_sweeney@environ.irlgov.ie

• All other standards:
  patrick_minogue@environ.irlgov.ie
  nancy_callaghan@environ.irlgov.ie

**Transposition of EU Construction Product Standards**

(a) **Traditional Products**

National Standards Authority of Ireland (NSAI)*
Glasnevin
Dublin 9.

Tel: (01) 807 3800
e-mail:standards@nsai.ie
website: www.nsai.ie

* NSAI is the Irish member of CEN/CENELEC

(b) **Innovative Products**

Irish Agrément Board (IAB)*
Glasnevin
Dublin 9.

Tel: (01) 807 3931
e-mail:agrement@nsai.ie

* IAB is Irish member of EOTA

**Construction Business Organisations**

Building Materials Federation (BMF)
Confederation House
Tel: (01) 605 1621
e - mail: paul.kelly@ibec.ie
website: www.ibec.ie/bmf

Construction Industry Federation (CIF)
Construction House
Canal Road
Dublin 6

Telephone No. (01) 406 6000
e-mail cif@cif.ie
website : www.cf.ie

Irish Concrete Federation (ICF)
8 Newlands Business Park
Naas Road
Clondalkin
Dublin 22

Tel.No. (01) 464 0082
e-mail: info@concreteireland.org
website: www.irishconcrete.ie

Building Professions/Specifiers

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