



Ministry of Housing,
Communities &
Local Government

Consultation on the General Safety Requirement for Construction Products



Government of the United Kingdom

Ministry of Housing, Communities and Local Government

Consultation on the General Safety Requirement for Construction Products

Presented to Parliament by
Parliamentary Under Secretary of State for Building Safety,
Fire and Democracy by Command of His Majesty

February 2026



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1. Scope of Consultation

Scope of this publication

- 1.1 This consultation seeks views on our proposal to expand the current construction products regulatory regime. We will introduce a general safety requirement (GSR) for currently unregulated construction products.¹ Regulations will require that construction products placed on the market are safe and will establish specific obligations for businesses. The regulations will also provide enforcement powers to the national regulator for construction products. We are seeking views on our proposed approach and implementation.
- 1.2 Please note that whilst this consultation is principally about the GSR, the intention is that the definitions detailed here will also be applied to construction products as part of wider reforms.

Geographical scope

- 1.3 The regulation of construction products is a reserved matter, for which decision-making has not been delegated by Parliament to the devolved administrations. The GSR will apply UK-wide.
- 1.4 In accordance with the Windsor Framework, Regulation (EU) 2024/3110 Construction Product Regulation (EU-CPR 2024) and Regulation (EU) 2023/988 General Product Safety Regulation (EU-GPSR) remains applicable in Northern Ireland for products regulated under those frameworks. We will work closely with stakeholders to ensure that the GSR regulations are compliant with both the Windsor Framework and the United Kingdom Internal Market Act 2020.

Impact Assessments

- 1.5 A Regulatory Impact Assessment has been carried out to support this consultation. It can be found here <https://www.gov.uk/government/consultations/general-safety-requirement-for-construction-products>

Body responsible for this engagement

- 1.6 Ministry of Housing, Communities and Local Government (MHCLG)

Duration

- 1.7 This consultation will run for a 12-week period from 25 February 2026 and will close on 20 May 2026. These proposals will require secondary legislation.² We will aim to introduce the regulations by the end of 2026, subject to parliamentary time and process, and bring them into force in late 2027. We will also notify the World Trade Organisation (WTO) and European Commission.³

¹ Some construction products which are intended for consumer use are currently regulated under the GPSR 2005. We intend for the GSR to take precedence over GPSR in the same way as other sector or product specific product safety regulations. This will mean that construction products sold to consumers will need to comply with the GSR.

² A Statutory Instrument laid under the affirmative procedure must be actively approved by both Houses of Parliament.

³ WTO 'Technical Barrier to Trade' notification requirements for technical regulations and conformity assessment procedures require a comment period (normally at least 60 days) and a reasonable interval for entry into force (normally at least 6 months).

- 1.8 Note that this consultation is being published alongside the Construction Products Reform White Paper for which details can be accessed here: <https://www.gov.uk/government/consultations/construction-products-reform-white-paper>

How to respond

- 1.9 We encourage you to respond online via Citizen Space: <https://consult.communities.gov.uk/building-safety/consultation-on-the-general-safety-requirement/>
- 1.10 Alternatively, you can email your response to the questions in this consultation to: ConstructionProducts@communities.gov.uk
- 1.11 If you are responding in writing, please make it clear which questions you are responding to. Written responses should be sent to: Consultation on the General Safety Requirement, Ministry of Housing, Communities and Local Government, Floor 3 (Mail point B), Fry Building, 2 Marsham Street, London SW1P 4DF.
- 1.12 If you respond in writing, please answer as many questions as possible, but particularly questions about the nature of your interest (e.g., responding as an individual or organisation etc.). Please also include:
- Your name.
 - An email address.
 - Your regional location.
 - Your position (if applicable).
 - The name of your organisation (if applicable).
 - The size of your organisation, for example a Small or Medium sized Enterprise (SME) or large business (if applicable).
 - The nature of your organisation, for example a manufacturer, trading body, local authority (if applicable).
 - A summary of the people and organisations your group represents (if applicable).
 - Who else you have consulted in reaching the conclusions in your response (if applicable).
- 1.13 When responding to the consultation, please do not include sensitive personal data such as your name and address within your responses to questions. Information you provide in response to this consultation may be disclosed in accordance with United Kingdom legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004). Therefore, please ensure that your response does not include any material that you are not content for us to publish. Further information on our Data Protection policy is included in Annex A.

2. Executive Summary

“The fire at Grenfell Tower has exposed serious weaknesses in the regulation of construction work. It is clear that such weaknesses extend to the regulation of construction products...”

“There are some truths that should be taken as evident that it is for product manufacturers to develop products that do the job expected of them.”

(The Independent Review of the Construction Product Testing Regime by Paul Morrell OBE and Annelise Day KC)

- 2.1 The Grenfell Tower tragedy in June 2017 claimed 72 lives and exposed a pervasive crisis in the United Kingdom’s construction products regulatory regime. This devastating loss of life laid bare failures in the mechanisms designed to safeguard homes and residents.
- 2.2 The Grenfell Tower Inquiry,⁴ alongside independent reviews by Dame Judith Hackitt⁵ and Paul Morrell OBE and Anneliese Day KC,⁶ revealed systemic failures⁷ and institutional weaknesses that allowed profit to supersede safety.
- 2.3 These reviews concluded that current methods for testing, certification, and marketing of construction products are not fit for purpose, leaving a significant proportion of products outside the regulatory regime.
- 2.4 We published the Construction Products Reform Green Paper in February 2025, alongside the government’s response to the Grenfell Tower Inquiry Phase 2 Report. The Construction Products Reform White Paper⁸ confirms how government will progress a series of reforms to deliver a safer, more accountable system that enables long term growth and productivity, supporting the delivery of 1.5 million safe homes during this Parliament and beyond.
- 2.5 This consultation complements the reforms to construction products regulation detailed in the white paper and sets out the introduction of a proportionate risk-based GSR which will operate alongside UK construction products regulation, and require that construction products placed on the UK market are safe. This will provide reassurance to consumers and residents and will give confidence to developers and the sector as a whole that the products they use are safe.
- 2.6 The current regime only applies to products covered by designated standards or voluntary technical assessments. Recent research undertaken for government by the Adroit Consortium suggests around 29% to 61%⁹ of products have a designated standard, with a

⁴ Grenfell Tower Inquiry Phase 2 Report.

⁵ Building a Safer Future: Independent Review of Building Regulations and Fire Safety (Hackitt review).

⁶ Independent Review of the Construction Product Testing Regime (Morrell-Day Review).

⁷ For more detail see Chapter 2 of the Construction Products Reform White Paper.

⁸ <https://www.gov.uk/government/consultations/construction-products-reform-white-paper>.

⁹ Source: Adroit Consortium (2025) – commissioned by MHCLG: Construction Product Sector and Subsectors Evidence and Data Final Report (Project 1). It is assumed that the proportion of products that fall under designated standards is likely to fall under the lower half of the range given, hence the central estimate is not the mid-point. However, given uncertainty, the full range has been provided.

mid-point of around 37% of the UK market being regulated under the Construction Product Regulations. This creates a regulatory gap that contributed to the systemic safety failures identified by the Grenfell Tower Inquiry.

2.7 The GSR will address this gap by operating alongside existing UK construction products regulations, bringing all products into the regulatory regime.

Key proposals include:

- **Mandatory risk assessment:** Manufacturers must identify and assess safety risks in relation to a product's intended and reasonably foreseeable conditions of use and implement proportionate mitigation measures.
- **Product information:** Clear, accurate, and complete information must be provided, including detailing the intended use, technical specifications, installation guidance, safety warnings and restrictions of use. Marketing claims about safety must be evidence-based.
- **Labelling and traceability:** Products must carry unique identifiers and manufacturer and (where applicable) importer details, supported by digital solutions, such as QR codes, barcodes, or similar, to enable traceability to facilitate recalls.
- **Record keeping:** Manufacturers and importers must retain risk assessments, product documentation, and safety incident records for 10 years to support accountability and enforcement.
- **Storage and transportation:** Economic operators¹⁰ must ensure that construction products are stored and transported in ways that maintain their safety and integrity.
- **Obligations for importers and distributors (including merchants):** These importers and distributors must verify compliance, maintain records, and implement controls to prevent unsafe products from entering the market.
- **Monitoring safety issues:** Economic operators must monitor products to identify and address safety risks, investigate and record complaints, and take corrective actions such as amending information or enabling the withdrawal of unsafe products from the market.

2.8 Enforcement will be strengthened through enhanced powers for the national regulator for construction products, including market surveillance, investigatory powers, and proportionate intervention measures such as suspension, recall, and prohibition. Local authority trading standards (LATS) will also be equipped with these powers to complement the role of the national regulator.

2.9 Sanctions will include civil monetary penalties, cost recovery provisions, and criminal offences for serious breaches of the overarching safety duty, supported by a clear appeals process to ensure fairness and proportionality.

2.10 These proposals aim to balance safety with proportionality. This means avoiding unnecessary burdens on business to unlock innovation, investment and long term growth, while delivering safer homes, buildings and infrastructure for people and communities.

¹⁰ The manufacturer, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products, making them available on the market.

Conclusion

- 2.11 The introduction of the GSR will improve the regulatory regime, play a key role in restoring public confidence in the construction products regime, and protect residents and other building users. The GSR will give developers confidence that the products they use are safe and that they can avoid the risk of costly remediation. It will do this by requiring that construction products placed on the UK market meet clear, demonstrable safety requirements in a proportionate way.
- 2.12 A clear, predictable and proportionate regulatory regime is central to delivering the government's commitment to build 1.5 million safe homes over this Parliament and beyond. By embedding safety and quality into every stage of the construction product lifecycle, the GSR will create a level playing field that drives innovation, unlocks long term growth and strengthens accountability across buildings and infrastructure, and the wider built environment.
- 2.13 The national regulator for construction products will work in close partnership with industry to ensure that the GSR is complied with in a way that is practical and proportionate. Collaboration will be key to shaping a regime that delivers safety and accountability while supporting growth.
- 2.14 The GSR is a key step toward closing regulatory gaps, demanding accountability across the product supply chain, and equipping the national regulator for construction products with the powers to enforce compliance. Together, these measures will lay the foundation for delivering safer products, greater confidence for consumers, residents and the construction sector, and a system that supports long term growth and innovation. It will put safety at the heart of construction product regulation and will help to prevent further building safety tragedies.

3. Introduction

Overview

- 3.1 The Grenfell Tower tragedy exposed systemic failures in the construction products regime, highlighting the urgent need for reform to ensure that homes, and other buildings, are safe, and residents and building users can have confidence in the products used in their buildings.
- 3.2 Currently, regulations only apply to products covered by designated standards or technical assessments. This leaves a central estimate of 63%¹¹ of all construction products outside the scope of a regulatory regime. To address this, the government proposes introducing a general safety requirement (GSR) that will apply to these construction products.
- 3.3 In this chapter, we set out the case for change, and responses to the green paper consultation. We explain the objectives of the proposed GSR, its scope, and how it will operate in practice. Finally, we outline how these proposals fit within wider reforms set out in the white paper and the steps the government will take to ensure proportionate, effective implementation.

Background

- 3.4 The Grenfell Tower tragedy claimed the lives of 72 people and the homes of hundreds of residents in the immediate community. The tragedy laid bare systemic failures in the mechanisms designed to safeguard the built environment. The subsequent Grenfell Tower Inquiry Phase 2 Report set out clear evidence on the failings of the construction products regime and the need for substantive reform.
- 3.5 In response, the government commissioned Dame Judith Hackitt to lead an independent review of building regulations and fire safety. The 2018 report, 'Building a Safer Future: Independent Review of Building Regulations and Fire Safety' (Hackitt review) made 53 recommendations to drive cultural and behavioural change in building safety. The government committed to implementing these recommendations.
- 3.6 The Building Safety Act 2022 gave effect to several of these recommendations. Schedule 11 gave the Secretary of State for Housing, Communities and Local Government new powers to regulate the marketing and supply of construction products, including through a GSR.
- 3.7 In 2023, the government published the 'Independent Review of the Construction Product Testing Regime' led by Paul Morrell OBE and Anneliese Day KC (Morrell-Day Review). The Morrell-Day Review reaffirmed the need for reform. It highlighted the limited scope of existing regulations, which leaves a substantial proportion of construction products unregulated. The review recommended that all construction products be brought within scope through a GSR.
- 3.8 In February 2025, the government published the Construction Products Reform Green Paper, setting out proposals for institutional and regulatory reform of the construction products regime. This proposed the introduction of a GSR to make construction products placed on the UK market safe. The proposed scope of this GSR would apply to all currently unregulated

¹¹ Analysis suggests that the proportion of UK/GB construction products that fall under designated standards is between 29% and 61%, with a central estimate of 37%. Therefore a central estimate of 63% are not covered by designated standards. See footnote 9.

construction products. The green paper also set out the government's intention to remain consistent with the EU construction products regime where it meets our objectives including safety. This approach supports regulatory coherence and reduces barriers for UK businesses.

- 3.9 A majority of green paper respondents supported the principle of the GSR but stressed the need for requirements to be proportionate to the safety risk of the product. Concerns were also raised about excessive reliance on self-declared compliance. There were calls for clear obligations and detailed government guidance to support economic operators. Several respondents highlighted the importance of clearly assigning duties to prevent regulatory gaps and confusion. There were also concerns about the technical competence of importers and distributors to ensure products meet regulatory requirements.
- 3.10 Government welcomes the work industry is already leading to improve construction product safety. The British Standards Institution's 'PAS2000:2026 Construction Products – Bringing Safe Products to Market' Code of Practice is due to be published early 2026. It provides manufacturers with a framework to demonstrate they have taken reasonable steps to make a product safe. We consider PAS2000:2026 an important tool to encourage safe practice across the sector.

Policy proposal

- 3.11 Having considered the green paper responses and having worked closely with industry, we are now consulting on the detail of this GSR, ahead of laying regulations using the powers in Schedule 11 to the Building Safety Act 2022. This consultation covers:
- The scope of the GSR and its interaction with the wider construction products regulatory framework.
 - The requirements we propose to place on economic operators within the supply chain of construction products.
 - Enforcement action that should be taken where a product is found to be non-compliant with the GSR.
- 3.12 Additional measures for further regulation of the construction products sector are being developed through wider reform set out in the white paper. These measures will maintain consistency with new and revised European Construction Product Standards where it meets our objectives, including safety. Reforms include new obligations to provide additional safety and installation information under the EU-CPR 2024.¹²
- 3.13 The GSR proposals set out in this consultation are intended to both address omissions in the current regulatory framework and to support wider construction product regulatory reforms. The proposals in this consultation should therefore be read alongside the wider reforms set out in the white paper.

¹² See paragraph 6.3 of the Construction Products Reform White Paper.

The case for change

- 3.14 As noted in paragraph 2.6, analysis suggests that the proportion of UK/GB construction products that fall under designated standards is between 29% and 61%, with a central estimate of 37%.¹³
- 3.15 Products are only regulated under construction products regulations currently if covered by a ‘designated standard’ or, subject to a UK ‘technical assessment’. As a result, there are no minimum requirements that cover the remaining products, with a significant proportion of products remaining out of scope of the regulatory regime.
- 3.16 As a result, safety is not embedded at the outset of a product’s lifecycle. The system cannot adapt when new risks emerge. Enforcement authorities cannot take action on these products, even where there are known safety issues.
- 3.17 For construction products that are not covered by the construction product regulatory regime, there is some consumer safety protection under consumer protection¹⁴ and general product safety regulations.¹⁵ However, this does not extend to business-to-business sales, which represent the vast majority of transactions for construction products.

Objectives

- 3.18 We need to regulate products effectively and proportionately. This means creating a system that ensures homeowners and residents know safe products have been used in their homes. We need to create a system that can be trusted, where users have assurance that products are fit for purpose and are safe. The regulatory regime should enable shortcomings to be identified and rectified quickly, with clear responsibilities and accountability at every stage. The regime should be fair and proportionate, ensuring that economic operators understand their obligations. This should help enable innovation, growth and productivity, including 1.5 million safe homes over this Parliament and beyond.
- 3.19 The government proposes to do this by introducing a GSR for construction products placed on the UK market, using powers in Schedule 11 to the Building Safety Act 2022. The GSR will require construction products to be safe when placed on the market and establishes requirements on economic operators throughout the supply chain.¹⁶
- 3.20 The GSR will take a proportionate, risk-based approach; supporting safety without placing unnecessary burdens on business or holding back growth and innovation. Manufacturers must carry out an assessment of safety risks before placing products on the market, with mitigations applied where necessary, proportionate to the severity of the risk identified.
- 3.21 Manufacturers will also be required to provide accurate, reliable and up-to-date information about their products. The GSR will set requirements for labelling and documentation so those specifying, purchasing or using construction products can make safe and informed choices.
- 3.22 Importers, distributors (including merchants) and fulfilment service providers will be required to check that manufacturers have met their obligations, including reviewing safety documentation and confirming labelling and packaging are accurate and intact.

¹³ See footnote 9.

¹⁴ <https://www.legislation.gov.uk/ukpga/1987/43/contents>.

¹⁵ <https://www.legislation.gov.uk/uksi/2005/1803/contents>.

¹⁶ Refer to glossary for definition.

- 3.23 The national regulator for construction products will ensure compliance through leading market surveillance and investigations, ensuring remedial action is taken and imposing sanctions where appropriate, with a complementary role for local enforcers. We will equip enforcement authorities with the necessary powers to investigate breaches, for example, powers to obtain information, powers of entry and powers to seize and detain products.
- 3.24 We will also give them a suite of powers to intervene when non-compliance is identified, to bring products into compliance, improve business practices, or stop the availability of products on the market where necessary, including powers to suspend, prohibit or recall products. We intend to make enforcement powers consistent across all construction products, whether regulated under the GSR or CPR, to support an effective and consistent approach to enforcement across the sector.
- 3.25 The GSR will be compatible with wider EU and product regulations. The GSR will apply specifically to products not covered by designated standards or technical assessments, closing a significant regulatory gap and extending safety oversight to currently unregulated products.
- 3.26 These proposals respond directly to recommendations made in the Hackitt Review, the Morrell-Day Review, and the Grenfell Tower Inquiry. They represent a key step in bringing all construction products into the regulatory regime. This will play a key role in supporting the government's objective of 1.5 million safe homes over this Parliament and beyond.

Construction product regulatory background

- 3.27 The UK's construction products regulations stem from its former EU membership and remains consistent with the EU regime. The EU Construction Products Regulation 2011 (EU-CPR 2011) was implemented in the UK in 2013. Following the UK's withdrawal from the European Union, EU-CPR 2011 was retained as UK law (now assimilated law) (hereafter GB-CPR). The regulations were amended in 2020 and 2022 to reflect the Northern Ireland Protocol and to grant enforcement powers to the Secretary of State for Housing, Communities and Local Government. These enforcement powers are exercised by the national regulator for construction products on the Secretary of State's behalf.
- 3.28 GB-CPR applies where products are subject to mandatory standards (designated by the Secretary of State for Housing, Communities and Local Government) or are subject to a UK technical assessment. These designated standards mirror EU harmonised standards.
- 3.29 Products within scope of GB-CPR must undergo conformity assessment and be accompanied by a Declaration of Performance (DoP) outlining their essential characteristics, which may include safety during a fire, durability and mechanical resistance. A UK Conformity Assessed (UKCA) mark must then be affixed to show compliance. Products which meet EU-CPR 2011 requirements (with CE marking or CE marking accompanied by the UK(NI) indication (hereafter CE UK(NI))) can be placed on the UK market without reassessment. The Construction Products (Amendment) Regulations 2025 came into force on 8 January 2026 to allow products that adhere to EU-CPR 2024 requirements to be placed on the UK market without further assessment.
- 3.30 Once the product is on the market, potential users must use their knowledge, skills and expertise to determine product suitability using the information provided by the manufacturer. Designers and contractors must satisfy themselves that the product can safely be used so that the building will meet the relevant building regulations or standards. They may also use available guidance such as the Approved Documents or Technical Handbooks.

- 3.31 Construction products outside the scope of the GB-CPR can be placed on the market without any testing or mandatory checks. However, manufacturers may opt for voluntary standards or third-party certification to support bringing the product to market. A manufacturer can choose to obtain, from a suitably competent and accredited body, a European/UK Assessment Document for a product that is not covered by a designated standard. This triggers a technical assessment against that document. If the product conforms, a UKCA or CE/CE UK(NI) can be affixed. However, in these circumstances, it is voluntary to achieve a UKCA or CE/CE UK(NI) mark.
- 3.32 The General Product Safety Regulations 2005 (GPSR) regulate the safety of consumer products by setting a 'general safety requirement' for these products. The regulations apply to products "intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them". Construction products sold business-to-consumer are captured by the GPSR.
- 3.33 The Department for Business and Trade will shortly be consulting on major reforms to the general product safety regime to strengthen consumer protections, clarify supply chain responsibilities and streamline the processes for enforcement. Reforms include modernising product safety duties for online marketplaces which are referred to in chapter 7.

4. Scope of the General Safety Requirement

Introduction

- 4.1 The proposed general safety requirement (GSR) will close gaps in the current regulatory regime for construction products. We consider this essential to ensure safety and to help restore confidence in the built environment.
- 4.2 In this chapter we set out proposals to introduce a GSR for all construction products not covered by the Construction Products Regulation (GB/EU-CPR). The chapter explains how the GSR will interact with existing regimes, including technical assessments, consumer safety regulations, and Northern Ireland arrangements under the Windsor Framework. It also addresses the treatment of previously used products and sets out exemptions for items marketed as second-hand for refurbishment.

Proposal

- 4.3 Our proposal is to bring all construction products within the regulatory regime by introducing a GSR for construction products not covered by a designated standard or technical assessment (i.e. those products affixed with a UKCA or CE/CE UK(NI) marking). Therefore, products which fall outside of the GB or EU-CPR regime will need to comply with the GSR. In practice, this would mean that the GB/EU-CPR and the GSR would function as two mutually exclusive regulatory regimes. It should be noted that over half of all construction products are expected to fall under the GSR.¹⁷

Where products are subject to technical assessment

- 4.4 Our intention is that the technical assessment route to UKCA or CE/CE UK(NI) marking will be voluntary. However, if the manufacturer chooses to undertake a technical assessment against an Assessment Document the product would be regulated under the construction products regulations, and the appropriate product marking must be affixed. The GSR would not apply in these circumstances.
- 4.5 Where the manufacturer has decided not to pursue a technical assessment, the product would not be regulated under the construction products regulations and would instead be subject to the GSR.

Where products are sold for use by consumers

- 4.6 Our policy intention is for the GSR to apply to construction products in scope, including those which are consumer products. Although most construction products are designed and intended for professional use, some are sold for more general use by consumers. Our analysis indicates that construction products designed and intended exclusively for consumer use are rare, aside from packaging variations.

¹⁷ See footnote 11.

- 4.7 Currently, construction products that are also consumer products would be captured by the consumer protection provided by GPSR 2005. However, to reduce the burden on businesses discerning whether their product may end up being sold on the consumer market and to avoid any additional regulatory overlap, our intent is that the GSR will take precedence over GPSR in the same way as other sector or product specific product safety regulations. This will mean that construction products sold to consumers will need to comply with the GSR.
- 4.8 Under the Windsor Framework, certain EU law remains applicable in Northern Ireland. Specifically for construction products, this includes EU-CPR and EU-GPSR. Due to Northern Ireland's unique position, the EU-GPSR will continue to apply in Northern Ireland to construction products which are also consumer products. Where a construction product is not intended for consumers in GB and Northern Ireland and is not covered by construction products regulations, it will need to meet the GSR.

Previously used products

- 4.9 We propose that the regulations apply to all construction products within scope of the GSR. This means that if a used product is re-sold it will be in scope of the regulations and will need to meet the same safety requirements as a new product.
- 4.10 We recognise that some products could not reasonably meet the highest safety standards. We therefore propose that there should be an exemption from the regulations for a construction product that has been previously installed into construction works and is clearly marketed as a used product requiring repair or reconditioning before use. If the product is re-sold having been repaired or reconditioned, it would be in scope.

Question 1: Do you agree that previously used products should be regulated in the same way as new products, unless the exemption applies?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

5. Definitions

Introduction

- 5.1 Clear definitions provide certainty for businesses and enforcement authorities, ensuring obligations are understood and consistently applied. To achieve this, we propose adopting definitions consistent with the revised EU Construction Products Regulation (EU-CPR 2024) where they support safety objectives, while retaining flexibility for UK-specific needs.
- 5.2 This chapter sets out the definition of a ‘construction product’, our intended definitions for economic operators and our proposed approach to guidance for industry.

Background

- 5.3 In the Construction Products Reform Green Paper, we proposed adopting the definitions used within the revised EU-CPR for construction products in the UK regulatory regime. This approach is intended to benefit UK industry by supporting trade and supply chains.
- 5.4 The revised EU-CPR defines a construction product as:
- “any formed or formless physical item, including 3D printed products, or a kit that is placed on the market, including by means of supply to the construction site, for incorporation in a permanent manner into construction works or parts thereof with the exception of items that need first to be integrated into a kit or another construction product prior to being incorporated in a permanent manner into construction works.”¹⁸
 - “Kit” means a product placed on the market by a single economic operator as a set of at least two separate items, none of which needs to be a product itself, intended to be incorporated together into construction works.
 - “Used product” means a product that is not waste or has ceased to be waste and which has been installed at least once into a construction work, and that has not undergone a process going beyond checking, cleaning or repairing recovery operations by which products or components of products are prepared so that they can be reused for construction purposes without any other pre-processing.

Policy proposal

- 5.5 The Construction Products Reform White Paper which has been published alongside this consultation confirms our position regarding adopting consistent definitions across the UK regime and the EU-CPR 2024 (see chapter 5 of the Construction Products Reform White Paper).
- 5.6 Our policy intention is for the reformed construction product regulatory regime to encompass a broad range of construction products. This will ensure that products not covered by designated standards or technical assessment are sufficiently covered by a construction product regulatory regime.

¹⁸ Means buildings and civil engineering works whether over or in the ground or water, including but not limited to roads, bridges, tunnels, pylons and other facilities for transport of electricity, communication cables, pipelines, aqueducts, dams, airports, ports, waterways, and installations which are the bases for the rails of railways.

- 5.7 We intend to capture product systems and modern methods of construction within the reformed regime but will undertake further engagement to ensure there is no undue overlap or duplication of regulation. This will include clarifying principles to determine applicable obligations throughout a product's supply chain and use, including where fabrication should fall under building regulations.
- 5.8 We recognise the importance of providing clarity to construction product manufacturers regarding whether their products fall within the regulatory scope of the general safety requirement (GSR). To address this, the national regulator for construction products will issue guidance to support the GSR regulations.

Proposal for the definition of economic operators

- 5.9 As set out above, our intention is to adopt the definitions in the EU-CPRs for manufacturers, importers, distributors and fulfilment service providers. We will adopt the definitions as follows:
- “Manufacturer” means any natural or legal person who manufactures a product or has a product designed or manufactured and markets that product under its name or trademark.
 - “Importer” means any natural or legal person established within the UK who places a construction product from outside the UK on the UK market.
 - “Distributor” means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market, including by offering products for sale, hire or hire purchase, or displaying products to customers or installers in the course of a commercial activity, and including through distance selling, whether or not in return for payment.¹⁹
 - “Fulfilment service provider” means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved.
 - “Economic operator” means the manufacturer, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products, making them available on the market.

¹⁹ For the avoidance of doubt this would include merchants of construction products or builders' merchants.

6. Overarching Safety Duty

Introduction

6.1 This chapter sets out our proposal to introduce an overarching safety duty on all economic operators within scope of the general safety requirement (GSR). Furthermore, it sets out our proposed definition of a “safe product” and what factors must be considered when determining whether a product is safe or not. This safety duty is intended to drive accountability for product safety when products are placed and made available to the market.²⁰

Background

6.2 Paragraph 2(1) of Schedule 11 to the Building Safety Act 2022 provides the powers to prohibit the marketing and supply of construction products which are not safe.

6.3 Paragraph 2(2) defines what a ‘safe product’ is:

“a construction product is a “safe product” if, under normal or reasonably foreseeable conditions of use, and taking into account any matters specified for the purposes of this paragraph by construction products regulations—

- (a) the product does not present any risk to the health or safety of persons, or
- (b) if it does, the risk is as low as it can be compatible with using the product.

For the purposes of this paragraph “use” includes storage, transportation or packaging; and “reasonably foreseeable conditions” include reasonably foreseeable circumstances in which the construction product might come under stress (for example, a fire).”

6.4 As set out in the green paper, we propose achieving consistency across all construction products by adopting a definition of “safe” aligned with the principles contained in the revised EU-CPR.²¹ This definition will require consideration of both the intended use of the product and the normal or reasonably foreseeable conditions of use when assessing potential risks to the health and safety of individuals. This approach is reflected in the rest of this chapter and throughout this consultation.

Proposal

6.5 We propose that the GSR will be a duty under regulations. Before placing or supplying a product on the market, an economic operator must make the construction product safe. This means a product which under its intended and normal or reasonably foreseeable conditions of use does not present any risk to the health or safety of persons, or the risk is as low as it can be compatible with the use of the product.

²⁰ See glossary for definition.

²¹ The EU-CPR 2024 introduces a definition of “product presenting a risk” as opposed to safety risk – this includes the “intended use and under normal or reasonably foreseeable conditions of use”.

- 6.6 When determining whether a construction product is a safe product, we propose that the following must be taken into account:
- The characteristics of the product, including its composition and intended use.
 - The presentation of the product.
 - The product instructions.
 - The effect of the product on other products, where it is reasonably foreseeable that it will be used with those products.
 - Those people likely to handle or be exposed to the product.
 - The product’s life cycle and duration of use.
 - The manner in which the product is stored and transported.
- 6.7 All economic operators play a critical role in ensuring that construction products are safe. Under our proposals, each economic operator will be required to comply with specific requirements before placing a product on the market. They will also need to meet any continuing obligations to maintain safety. We therefore propose to introduce clear and enforceable obligations on all economic operators.
- 6.8 Chapter 7 sets out these proposed obligations in detail. Throughout this document we collectively refer to manufacturers, importers, distributors (including merchants) and fulfilment service providers as ‘economic operators’. Where these requirements are met effectively, the operator will be considered to have discharged their overarching safety duty in relation to the product.
- 6.9 Introducing an overarching safety duty will strengthen accountability for product safety among economic operators. It will ensure that all those within the supply chain take responsibility for compliance with the GSR and make sure only safe products are available on the market.

Question 2: Do you agree with the proposal set out above of an overarching safety requirement on economic operators?

	Agree
	Disagree
	Neither agree nor disagree
	Don’t know

Please explain your answer and include any changes you would make to the proposals.

7. Obligations on Economic Operators and Online Marketplaces

Introduction

7.1 This chapter sets out our proposed obligations on economic operators to ensure that safe construction products are supplied or placed on the UK market. To meet the general safety duty outlined in chapter 6, economic operators must comply with specific safety obligations. The proposed obligations reflect each economic operator's varying level of oversight and control over product safety risks throughout its lifecycle. As such, they set out proportionate and clearly defined obligations that provide assurance the overarching safety duty is being met across the supply chain.²²

Background

7.2 The Morrell-Day Review made a clear recommendation to bring forward the general safety requirement (GSR) to make construction products supplied or placed on the market as safe as possible.

Obligations on construction product manufacturers

7.3 Construction product manufacturers will have a duty to meet the GSR for construction products as set out in the chapter above, i.e. they need to make sure that their construction product supplied to the market is safe. We are proposing a number of requirements on manufacturers which, if complied with, enable them to discharge this duty. We do not intend for manufacturers who have followed the rules to be held responsible for safety issues caused by people using their products inappropriately.

7.4 We propose that manufacturers should:

- Actively identify and understand any risks associated with a product and the impact of those risks, in relation to its normal and reasonably foreseeable conditions of use.
- Identify measures that can be taken to reduce or remove any risk or to help others to mitigate those risks in the handling, transportation, installation or use of the product.
- Have effective factory production controls and quality controls in place throughout the manufacturing process to ensure consistently produced products.
- Communicate product information clearly and accurately.

²² See glossary for definition.

Assessment of risk

- 7.5 Manufacturers will be required to proactively assess the risks their products may pose to the health and safety of persons and take steps to reduce or eliminate these risks as far as possible before placing the product on the market. We consider that the most effective way to achieve this is by mandating a risk assessment for products placed on the market that are in scope of the GSR.
- 7.6 This assessment should be evidence-based, drawing on the manufacturer’s expertise and understanding of the product’s characteristics, performance, intended purpose, and use. It should be informed by historic data, testing, or other relevant evidence. Where claims are made about a product’s performance, these must be appropriately evidenced as part of the assessment.
- 7.7 The risk assessment must include the following information:
- Detailed technical information describing the product, its intended use, and its characteristics and composition.
 - Identification of the “normal or reasonably foreseeable conditions of use” of the product.
 - Any risks to the health and safety of persons arising from the identified conditions of use.
 - The mitigations put in place in the design or manufacturing of the product to control, reduce or eliminate product risks “as low as it can be compatible with using the product”.
 - The steps taken by the manufacturer (such as in the packaging instructions and safety warnings provided with the product) to reduce remaining product risks, including those risks outside the manufacturer’s direct control, for example, warnings about where the product should not be used.
 - The quality assurance arrangements in place to ensure that the manufactured product conforms to the design specification.
- 7.8 We do not intend to prescribe how a risk assessment should be conducted. However, we anticipate that the national regulator for construction products will produce guidance to support the sector. Industry developed guidance, such as PAS 2000,²³ could assist manufacturers in carrying out effective risk assessments.
- 7.9 Risk assessments should be of sufficient quality to identify relevant safety risks and outline the means to control or mitigate them in line with the overarching safety duty. They should also evolve over time, reflecting improved evidence and developments in best practice. Importantly, the assessment should be proportionate to the level of risk posed by the product, with lower-risk or simpler products requiring a correspondingly simpler approach.
- 7.10 Manufacturers must also maintain an appropriate and effective quality assurance regime to ensure that products conform to their design specification. This forms a critical part of controlling safety risks during production. Manufacturers must be able to evidence that suitable arrangements are in place to manage and oversee the production process. While adherence to recognised standards (such as ISO 9001) may demonstrate this, specific standards will not be mandated in regulations and may instead be referenced in regulatory guidance.

²³ The British Standards Institution’s PAS2000:2026 Construction Products- Bringing Safe Products to Market- Code of Practice is due to be published early 2026.

7.11 New information may appear during the lifecycle of a product that affects how it may be safely used. For example, a new hazard may be discovered with the materials from which it is made, or the product may start being used in ways which were not originally foreseen. Manufacturers will need to make sure the assessment of risk and risk reduction measures are reviewed for as long as they continue to supply the product, and that product documentation is updated accordingly. We propose that the process of assessing and mitigating risk should be reviewed if:

- It is no longer effective; e.g. the emergence of new foreseeable safety risks;
- There are changes to the product or how the product is used; or
- There are problems associated with the product, including accidents and near misses.

Question 3: Do you agree that the measures described as part of the process for assessing risk are reasonable and proportionate?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Provision of product information

7.12 We want to make sure that those who specify, procure and use construction products are provided with the information that they need to choose products that will be safe for their intended application and use them safely. To achieve this, manufacturers will need to demonstrate how their products conform to the GSR. Manufacturers will need to supply product information with the construction product and to any other economic operator involved in the marketing or supply of the product. Product information will include:

- Information which details the intended use of the product.
- Technical information describing the product in sufficient detail to enable potential users of the product (or those who specify or purchase the product for use by others) to determine whether the product would be appropriate to use in the way that the customer intends.
- Information in relation to those aspects of “normal or reasonably foreseeable conditions of use” that fall outside the “intended use” of the product and any relevant safety information e.g. warnings, scenarios where a product shouldn't be used, testing that has been undertaken.
- Where applicable, details of any voluntary standards or third-party certifications that have been met by the product.
- Instructions for the safe use, disposal, installation, assembly and maintenance. Installation includes training and other requirements necessary to be fulfilled for safe installation. Use includes the compatibility and integration in systems or kits and compatibility with other materials or products.

- Instruction for the safe storage and transportation of the product.
 - Where relevant, guidance on where or how the product should not be used.
- 7.13 We are proposing that any claims made that influence safety or safe use of the product must be backed by evidence. Furthermore, manufacturers must make sure that the product information is accurate, up-to-date, clear, legible and in easily understandable language, and not omit information which is required to support the safe use of the product.
- 7.14 The information provided must support the safe use of the product and include guidance on where a product cannot be used or combined with other specific products, such as, to prevent degradation or corrosion of the installed construction product.
- 7.15 Manufacturers will be permitted to provide required documentation by appropriate means, which should include publicly accessible digital formats such as provision of information via a website. They must also take reasonable steps to ensure the content is sufficiently comprehensive and detailed.
- 7.16 Once a product has been placed on the market, manufacturers will be expected to keep this documentation under review and update it as necessary. For example, if widespread issues arise (such as incorrect installation compromising product safety) or production processes change, manufacturers should revise instructions or safety information to help mitigate the identified risk.

Question 4: Do you think the above list of criteria for product information is proportionate, as well as sufficient to support decisions to select the right product? If not, what further information do you think would be helpful?

	Yes
	No
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Product labelling

- 7.17 The Hackitt Review called for “a consistent labelling and traceability system, making use of the digital technologies that are already available and learning from other sectors”. The ability to identify and trace a product is essential for effective corrective action where a product is found to be non-compliant. Therefore, manufacturers will be required to label products with:
- Their registered name, trade name or trademark.
 - The full postal address at which they are registered.
 - The product’s unique identifier.
 - A data carrier linking the product to its digital product information, e.g., a QR code.
- 7.18 This information must be affixed to the product, either permanently or via a label. Where this is not possible (for example, if the product is a liquid or sand) the manufacturer must include the information on the product’s packaging. If it is not feasible to include the information on either the product or its packaging (such as loose sand) the information must be included in the product information.

Question 5: Do you agree with the proposals on product labelling?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Requirement to retain records

7.19 Manufacturers should keep their risk assessment and product information under review and update documentation where necessary. Maintaining accurate information will help them demonstrate compliance in the event of any investigation or regulatory action.

- 7.20 We therefore propose to require manufacturers to retain, or arrange for the retention of, the following documents for a period of 10 years from when they last supplied the product:
- The assessment of risk and a record of the actions (including any testing activity) taken to reduce any risks identified.
 - The original product documentation provided with the product, and any subsequent amendments made.
 - Any reports of safety incidents that have occurred.
 - Follow up actions taken as a result of safety incidents reported with the product.
 - Any correspondence, guidance or direction provided where the manufacturer has been consulted on the use of the product in novel or unforeseen applications.

Question 6: Do you agree that the manufacturer should maintain records of such actions for a period of 10 years beyond the last supply of the product?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Requirements on importers

7.21 An importer means a person who first places a construction product from outside the country on the UK market.

7.22 We think that importers should be responsible for checking that the manufacturer has fulfilled its obligations under the GSR before they accept a construction product for import into the UK and allow it to be placed onto the market. We also want to ensure that products can be traced if there is a safety incident. This should include:

- Checking that the manufacturer has completed an assessment of risks for the product.
- Checking that the product information has been produced and has been made publicly available.
- Checking that the product information in relation to the manufacturer is affixed to the product.
- Providing a copy of the product information (in a digital format) when supplying the product and on the request of another economic operator involved in the marketing or supply of the product.

Question 7: Do you agree with the proposals for the responsibilities of importers?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Labelling

7.23 As set out above, we will require manufacturers to label the product with company information. Where a product has been imported and placed on the market, we propose that the importer also includes its registered trade name or registered trademark, and the full postal address at which it is registered. This should be displayed on the product if possible. If this is not possible on the product itself, it must appear on the packaging or in an accompanying documentation.

Question 8: Do you agree with the proposals to make importers label products as set out above?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Requirement to retain records

7.24 We also think that importers should be required to maintain a record of all product documentation supplied by the manufacturer, including any amendments made during the life of the product. We propose requiring importers to:

- Maintain a record of all product documentation supplied by the manufacturer, including any amendments made during the life of the product.

Consultation on the General Safety Requirement for Construction Products

- Maintain a record of those to whom they have supplied construction products.
- Retain any correspondence, records or reports concerning safety incidents that have occurred where the product has been used in normal or reasonably foreseeable circumstances.
- Retain, or arrange for the retention of, such records for a period of 10 years from the date the product was last placed on the market.

Question 9: Do you agree with the proposed requirements on importers to retain records as set out above?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Obligations on construction products distributors

7.25 We consider that distributors (including merchants) also have a role in contributing to the safety of construction products.

7.26 We intend to require distributors to check that the manufacturer (and/or importer) has fulfilled the GSR, before supplying any construction product for use. Adherence to these requirements will enable distributors to demonstrate compliance with the general safety duty. Requirements will include:

- Checking that the manufacturer has completed an assessment of risk.
- Checking that the product documentation is suitable, comprehensive and complies with the GSR, and is provided to the customer.
- Visual inspection of packaging and product labelling to confirm it is suitable and conforms with the GSR, where applicable.
- Creating records of purchase and supply and retain such records for 10 years to allow for traceability.

Question 10: Do you agree with the proposed requirements on distributors as set out above?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Question 11: Do you think the requirement of creating records of purchase and supply and retaining such records for 10 years to allow for traceability is proportionate?

	Yes
	No
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Requirements on fulfilment service providers

7.27 The EU-CPR 2024 sets obligations for fulfilment service providers to support the supply of safe construction products. These providers must confirm that products include all required documentation and labelling. This includes CE marking, the Declaration of Performance and Conformity, and usage instructions. Safety information must also accompany the product to support compliance and safe installation.

7.28 Under EU-CPR 2024, fulfilment service providers must handle products in a way that maintains compliance. They must store, package, label, and ship products in ways that preserve the safety of the product. Providers are required to cooperate during product withdrawals or recalls by enforcement authorities. If a product is suspected to be unsafe, it must be promptly removed from the market.

7.29 In line with our overall approach of consistency with the EU-CPR where it meets our objectives, we propose aligning with these obligations. We propose that fulfilment service providers carry out the following:

- Check that product documentation is suitable, comprehensive, and compliant with the GSR, and ensure it is provided to the customer.
- Conduct a visual inspection of packaging and product labelling to confirm suitability and compliance with the GSR.
- Maintain records of purchase and supply.

Question 12: Do you agree with the proposed requirements on fulfilment service providers as set out above?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Requirements on online marketplaces

- 7.30 Online Marketplaces provide the digital infrastructure that enables the advertisement, listing and sale of products, but do not directly supply the product themselves. While there is limited information on their role in the construction product industry, online sales account for a significant share of UK retail. As these platforms grow, the scale of construction products sold by online marketplaces is likely to increase. Given this, it is appropriate that online marketplaces bear responsibility for the safety of products offered through their platforms, in line with other economic operators.
- 7.31 The growth of global supply chains and online marketplaces has enabled numerous third-party sellers access to the UK market, creating new challenges to the product safety framework. Clear responsibilities for online marketplaces are therefore needed to reflect their control over supply chains and to ensure that third party sellers provide construction products with clear traceability and assurance of compliance.
- 7.32 These challenges are not limited to construction products. Therefore, we plan to tackle the risks posed by unsafe construction products online as part of wider reforms to the product safety framework. Specific proposals will be consulted on early this year as part of the Government's programme of reform to modernise and simplify the product safety legislative framework.
- 7.33 The consultation will be published by the Department for Business and Trade and will include proposals to strengthen and clarify responsibilities for online marketplaces. These will build upon best practice to create a proportionate regulatory framework where online marketplaces take steps to:
- Prevent non-compliant and unsafe products being made available on their sites.
 - Ensure that sellers operating on their platforms comply with product safety obligations and take action against sellers where necessary.
 - Provide consumers with appropriate information, instructions and warning about products prior to purchase.
 - Cooperate with regulators and provide ongoing assurance, which includes having arrangements to respond to requests and quickly remove known unsafe products from being made available.
- 7.34 We note that the EU-CPR 2024 brings online marketplaces into scope and will consider the interaction between the EU and UK rules for online marketplaces when taking account of the consultation.

Common Requirements

Storage and transportation

- 7.35 We propose that manufacturers, importers and distributors (including merchants) should be responsible for making sure the way they store, or transport, products does not cause them to become unsafe. This includes making sure that:
- Products are not stored or transported in ways which create a risk to people.
 - Products are not stored or transported in ways that lead to their degrading to a level where they are not safe to use.

- Products that have been stored or transported in ways that cause them to degrade are removed from the supply chain.
- Safety handling instructions, labels and other critical information do not become separated from the product.

Question 13: Do you agree that we should require economic operators to make sure that the way they store, or transport, products does not cause them to become unsafe?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Monitoring products on the market

- 7.36 We want to make sure products remain safe after they've been placed on the market. This means manufacturers and importers should take steps to identify problems early through proactively monitoring products whilst available on the market. This will help ensure safety issues are properly addressed and lessons are learned to prevent future risks. This includes:
- Where appropriate and based on the risks posed by a product, this could mean undertaking sample testing.
 - Investigating any complaints or safety incidents received about products they've placed on the market.
 - Recording complaints or safety incidents, including any action that is taken in response.
 - Retaining records of complaints and safety incidents for 10 years from the date the product was last placed on the market, and making them available, upon request, to enforcement authorities or other relevant economic operators in the supply chain.
- 7.37 Distributors (including merchants) and fulfilment service providers will also be required to assist manufacturers and importers as appropriate, particularly in passing on information such as details about the safety issue or complaints that they may have received from customers/ end-users.
- 7.38 If any economic operator finds that a product they have supplied may be in breach of the GSR, they will need to do one or more of the following things. The action taken will need to address the safety risk posed:
- Amend – update and amend any product information supplied with the product.
 - Correct – change any products that have not yet been supplied, so that they are safe.
 - Withdraw – stop supplying the product including withdrawal and removal of products from sale and distribution.
 - Recall – take steps to try and get products that have been sold to be returned.

Question 14: Do you agree or disagree with the proposals for economic operators to monitor construction products that have been placed on the market?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Co-operation with enforcement authorities

- 7.39 We want to ensure that enforcement authorities are able to access the information and documentation necessary to enable them to undertake their market surveillance and enforcement activities effectively. By complying with the duties set out in previous chapters, economic operators will hold a range of relevant information.
- 7.40 To support effective surveillance and enforcement we want to place a duty on economic operators to co-operate with any enforcement authority request to provide information and documents.²⁴ This could include requirements to produce product documentation, assessment of risk records and relevant information in regard to decisions taken concerning the product.
- 7.41 They will also need to provide any additional information or documentation that the enforcement authority deems necessary to enable investigatory or enforcement activity. For example, additional information or documentation could include information about the factory production control that has been put in place as a risk mitigation.
- 7.42 Economic operators may also be required to provide information regarding other economic operators from whom they have obtained a product and persons to whom they have supplied a product. In addition, they must retain such information for a period of ten years following the final date on which the product was made available on the market, where this is reasonably practicable.

Question 15: Do you agree that economic operators should have a duty to co-operate and carry out actions when they are asked to by an enforcement authority?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

²⁴ Limited to comply with the legal principle protecting individuals from self-incrimination in criminal proceedings.

8. Responsibilities and Powers of Enforcement Authorities

Introduction

- 8.1 Within the white paper, we have set out our vision for how the enforcement of the construction products regulatory regime will be achieved. Strong enforcement powers are essential to ensure compliance with the general safety requirement (GSR), enabling authorities to monitor the market, identify risks, and act quickly to stop unsafe products.
- 8.2 Current powers are not sufficient for effective market surveillance and intervention. Without stronger tools, unsafe products can remain in circulation, undermining trade and consumer confidence and the integrity of the regime.
- 8.3 Enforcement authorities must be equipped with robust powers for monitoring, investigation and intervention. This chapter sets out proposed measures to strengthen market surveillance activities and enhance the investigatory powers of enforcement authorities. It also sets out the roles and responsibilities of enforcement authorities. The intention is to make enforcement powers consistent across all construction products, whether regulated under GSR or CPR, to support an effective and consistent approach to enforcement across the sector.

Background

- 8.4 The Grenfell Tower Inquiry and the Morrell-Day Review highlighted that the current regulatory regime is highly fragmented and complex. Morrell-Day noted that “Enforcement has been almost totally non-existent, so that bad actors feel that they can bypass the regulations without consequence.” The government has accepted the Grenfell Tower Inquiry’s recommendation to create a ‘single construction regulator’ for the construction sector. A prospectus,²⁵ published 17 December 2025, set out the strategic case and proposed approach to reform. The single construction regulator will bring together the regulation of construction products, buildings and professional competences, creating visibility and accountability across the entire system.
- 8.5 Local authority trading standards (LATS) (or environmental health, in Northern Ireland) currently hold regulatory powers to carry out market surveillance and enforcement to remove non-compliant products from the UK market. However, evidence suggests that LATS do not always have the resources and skills, nor do they necessarily prioritise enforcement of construction product regulation.

²⁵ [Single construction regulator prospectus: consultation document - GOV.UK.](#)

- 8.6 The national regulator for construction products was established in 2021²⁶ to lead and coordinate market surveillance to uncover and respond to safety concerns, and to take enforcement action under the scope of existing construction products regulations. The national regulator is currently based within the Office for Product Safety and Standards (OPSS).
- 8.7 The national regulator for construction products and LATS have regulatory powers to carry out market surveillance and enforcement to remove non-compliant products from the UK market. These powers are provided through the Construction Products Regulations (2013), Construction Products (Amendment etc.) (EU Exit) Regulations (2020) and the General Product Safety Regulations (2005). They allow enforcement authorities to investigate and gather information where they suspect a breach of the regulations and to take corrective action, such as serving a suspension or prohibition notice. They also allow regulators to deliver sanctions and penalties through their prosecution powers. The powers provided through the GPSR only relate to products that are intended for, or likely to be used by, consumers rather than products that are used by businesses.
- 8.8 The UK construction products market is influenced by a wide range of consumer protection and trading standards and marketing regulations. The range of regulations were not designed with the range of construction products in mind. These do not apply to business-to-business transactions, limiting their relevance for construction products sold to both consumers and businesses such as tradespeople and housing developers.

Responsibilities of enforcement authorities

- 8.9 In the Construction Products Reform Green Paper we consulted on the roles and responsibilities of enforcement authorities. We have set out in the subsequent white paper that the lead enforcement authority for the regulation of construction products will be the national regulator for construction products. It will maintain a risk-based approach to prioritise its work but will no longer be limited to investigating and taking action on nationally significant, novel or contentious compliance issues
- 8.10 Consequently, we will remove the responsibility of all LATS to enforce the construction products regulations. This will be implemented by removing the legislative duty on LATS to enforce the construction products regulations. However, they will retain powers to enforce them. To deliver this in the GSR regime, we will omit from the GSR regulations a duty on LATS to enforce, but will provide them with the powers that will enable them to do so. The national regulator for construction products will continue to provide relevant support to LATS choosing to exercise these powers, including local authorities at ports and borders, and their inland partners.

Market surveillance and investigatory powers

- 8.11 The national regulator for construction products currently plays an active role in market surveillance. This involves responding reactively to reports of non-compliance shared by stakeholders across the sector and developing and deploying a programme of proactive surveillance of the sector. We propose that the national regulator for construction products carry out this role to identify non-compliance under the GSR.

²⁶ Assumed full regulatory powers in June 2022.

- 8.12 To do this, we propose that it will need investigatory powers to carry out both proactive and reactive surveillance activities. We propose also providing these powers to LATS, to enable them to complement the national regulator's surveillance activity, as appropriate. This will include powers to:
- Obtain information - for example, request risk assessments or supply chain details to trace unsafe products.
 - Inspect premises - enter business premises (with or without a warrant, depending on circumstances) to check compliance.
 - Secure evidence - seize products or documents where there is reasonable suspicion of non-compliance.
 - Test products - purchase or require samples to verify safety claims and prevent "golden samples" being provided.
 - Require assistance - from anyone present on the premises, including providing documents or information.

Intervention powers

- 8.13 Enforcement authorities need the powers to take direct action where necessary to address non-compliance with the GSR. The use of these powers is to prevent harm, rectify any breaches and ensure compliance.
- 8.14 These powers will offer the enforcement authority flexibility in the action it wants to take, depending on the non-compliance.
- 8.15 We want to ensure that the GSR is proportionately regulated. The following intervention powers allow for a graduated approach to enforcement. This ensures that products deemed less risky can remain on the market following improvement action by the manufacturer, while higher-risk products can be removed if necessary to prevent harm and to maintain public safety.
- 8.16 We will provide powers so that enforcement authorities can:
- Require compliance - direct economic operators to meet specific requirements under the GSR and take corrective actions to bring products into compliance.
 - Improve business practices - require systemic changes to business processes and controls where poor practices create ongoing risks of non-compliance.
 - Restrict market availability - suspend or withdraw the sale of products that pose safety risks, including ordering recalls for products not yet installed and notifying purchasers of recalled items.
 - Require forfeiture of products - where serious non-compliance persists, seek a court order to seize and destroy or dispose of unsafe products to prevent harm.

Undertakings

- 8.17 We want to allow the manufacturer and economic operators the opportunity to correct non-compliance once they are made aware of a breach of their duties under the GSR, where proportionate. This would take the form of an undertaking as an alternative to formal enforcement action.

- 8.18 Schedule 11 to the Building Safety Act 2022 allows enforcement authorities to accept undertakings from economic operators instead of taking formal enforcement action. An undertaking is a commitment by economic operators to take specific corrective actions within a set timeframe where they have failed to meet regulatory obligations. Enforcement authorities may refuse an undertaking and proceed with enforcement if they consider it appropriate.
- 8.19 The regulator's enforcement policy will outline factors considered when deciding whether to accept an undertaking, such as the seriousness and nature of the non-compliance. This ensures a proportionate approach. An undertaking may also include restitution to those affected by non-compliance. If an economic operator fails to comply with an accepted undertaking, the enforcement authority retains the right to impose further enforcement measures.

Question 16: Do you agree that enforcement authorities should be able to accept an undertaking instead of taking formal enforcement action?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

9. Offences, Sanctions and Appeals

Introduction

- 9.1 Effective enforcement sanctions underpin the credibility of the general safety requirement (GSR). They ensure that safety obligations are not just theoretical but are backed by real consequences, driving cultural change across the sector.
- 9.2 There has historically been a lack of an effective deterrent to poor behaviour in industry. To address this, we want to equip the national regulator for construction products with the ability to penalise economic operators when they fail to meet their obligations under the GSR.
- 9.3 In this chapter we set out our proposals for the offences to be created under the GSR. We also detail the types of sanctions enforcement authorities would be able to pursue through the courts or in case of civil sanctions, directly imposed to punish non-compliance with the GSR. Finally, we set out the appeals process that we propose to introduce.
- 9.4 We are also seeking views on whether local authority trading standards (LATS) should be given powers to issue civil sanctions and cost recovery notices.

Background

- 9.5 Schedule 11 of the Building Safety Act 2022 enables the Secretary of State for Housing, Communities and Local Government to make construction products regulations providing for offences and sanctions where non-compliance of requirements under the GSR, or non-compliance with any enforcement action, occurs. These sanctions can be either criminal or civil. The Act also provides for the introduction of cost recovery provisions which will enable the national regulator for construction products to recover its costs in relation to carrying out its enforcement functions.
- 9.6 In most cases, we would expect non-compliance to be resolved through engagement with economic operators. This reflects an approach that supports businesses to comply with the regulations. The decision to issue a sanction, whether civil or criminal, will be based on the seriousness of the breach and how unsafe the product is, and/or repeated and continuing non-compliance with the regulations. The policy for prosecution and civil sanctions will be set out in the enforcement authority's policy.

Offences

- 9.7 We will make it a criminal offence for an economic operator to breach the overarching safety duty²⁷ to place or supply only safe products on to the market. This prohibits the marketing and supply of construction products which are not safe products. As such, the economic operator must not market or supply a construction product unless it is safe and it has complied with the GSR obligations. These offences will be triable either way, with a maximum penalty of unlimited fine or a 2-year prison sentence (or both).

²⁷ Chapter 6.

- 9.8 Failure to comply with certain GSR obligations, for example, failure to assess the product safety risk, will be treated as a breach of the overarching safety duty. This will constitute a criminal offence. If prosecuted, the maximum penalty will be an unlimited fine or a 2-year prison sentence (or both).
- 9.9 It will be a criminal offence for an economic operator to fail to comply with any enforcement notice issued by enforcement authorities. These offences will be triable either way, with a maximum penalty of unlimited fine or a 2-year prison sentence (or both).
- 9.10 It will also be a criminal offence to obstruct an enforcement officer or an investigation, including by providing false or misleading information. These offences will be triable either way, with a maximum penalty of unlimited fine or a 2-year prison sentence (or both).
- 9.11 Finally, obligations designed to support compliance with the regulations, such as the requirement to retain information for 10 years, will be subject to a civil sanction only, if they are committed in isolation and a breach of the overarching safety duty has not been committed. This approach ensures penalties remain proportionate to the nature of the non-compliance.

Statutory defences against prosecution

- 9.12 We are proposing to introduce statutory defences against criminal prosecution under the GSR to ensure fairness and proportionality. Where an economic operator can show they took all reasonable steps to prevent the breach, or that compliance was genuinely impracticable or impossible due to circumstances beyond the person's control, they should not be found liable. However, this will be an objective test for the courts to apply.

Sanctions - Civil monetary penalties

- 9.13 We will introduce variable civil penalties for breaches of requirements under the GSR. This means that:
- Where an obligation has been breached that does not constitute a criminal offence i.e. a civil offence, a civil penalty may be issued.
 - And, where a breach of the obligations which constitutes a criminal offence has been committed, a civil sanction will be available as an alternative sanction for the same conduct. These penalties may be imposed where the enforcement authority is satisfied beyond reasonable doubt that one or more requirements have been breached.
- 9.14 Civil penalties provide a proportionate response and allow for the enforcement authority to pursue the most appropriate sanction depending on the breach.
- 9.15 Civil monetary penalties will be issued in accordance with the enforcement authority's published policy, taking into account the nature, severity, and duration of the breach, as well as the economic operator's compliance history. All penalties would be paid into the Consolidated Fund.
- 9.16 When setting the penalty amount, the enforcement authority may request reasonable information from the economic operator. It must consider factors such as the seriousness of the breach, the economic operator's culpability, company size and financial capacity, and any mitigating or aggravating circumstances. These factors will be detailed in published guidance. If a penalty is not paid, the enforcement authority will have the power to recover the outstanding amount.

- 9.17 Economic operators will have the right to make written representations before a final notice is issued and to appeal to an independent tribunal once the notice is served. Appeals may be made to the First-tier Tribunal in England and Wales, Scotland, or Northern Ireland. If an appeal is lodged, the penalty notice will be suspended until the appeal is resolved. The tribunal may confirm, vary, or quash the notice.
- 9.18 We have outlined in this consultation document our intention to make the national regulator for construction products the lead enforcement authority for construction products, with LATs playing a complementary role. Under this approach, we intend to equip LATs with the necessary investigatory and intervention powers should they be required to support any enforcement action of the national regulator.
- 9.19 We are seeking views on whether we should also give LATs the power to issue civil monetary penalties. Introducing such powers for local authorities could require new processes for investigation, evidence gathering, decision-making and appeals, which may create additional administrative demands, and may not be reflective of LATs reformed role in enforcement of construction product safety. Therefore, we are proposing not to extend these powers to LATs.

Question 17: Do you agree with the proposal to introduce civil monetary penalties for non-compliance with requirements under the GSR?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Question 18: Do you agree with the proposal to not extend powers to issue civil monetary penalties to LATs under the GSR, recognising their reduced role in enforcing construction product regulations?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Cost recovery notices

- 9.20 To ensure that the cost of enforcement is borne by non-compliant businesses rather than only by taxpayers, enforcement authorities will have the power to issue cost recovery notices where there has been a confirmed breach of the regulations.

- 9.21 Where enforcement action has been necessary to address non-compliance, these notices allow enforcement authorities to recover reasonable costs incurred during the investigation and enforcement process.
- 9.22 The issuing of a cost recovery notice must be proportionate and fair, meaning not all costs will be recovered in every case. Only costs that are reasonably incurred and directly linked to enforcement action will be included. This approach promotes fairness, accountability, and responsible use of public resources.
- 9.23 A cost recovery notice can be issued once enforcement action has concluded, meaning:
- The breach has been confirmed.
 - The business has been informed of the outcome.
 - Any statutory period for appeal or representation against the breach has expired or been resolved.
- 9.24 The notice will require the business to pay the costs incurred by the enforcement authority in connection with the enforcement process, including preparatory and investigative work that directly contributed to the enforcement decision.
- 9.25 All costs included in a cost recovery notice must be:
- Reasonably incurred - reflecting appropriate use of public resources without duplication or excess.
 - Directly linked to the enforcement action taken.
- 9.26 As with civil monetary penalties, we are seeking views on whether to extend these powers to LATS as well as the national regulator for construction products.

Question 19: Do you agree with the proposal on cost recovery notices that the enforcement authority is able to issue?

	Agree
	Disagree
	Neither agree nor disagree
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Question 20: Do you have views on whether LATS should have powers to issue cost recovery notices, as well as the national regulator for construction products?

	Yes
	No
	Don't know

Please explain your answer and include any changes you would make to the proposals.

Appeals

- 9.27 We want to provide economic operators with an appeal mechanism. We want to ensure that there is a process for reviewing enforcement decisions taken by enforcement authorities to ensure that they are fair and that authorities have followed their own policy and procedures.
- 9.28 Where an economic operator is prosecuted for a criminal offence, this will be through the usual criminal court process.
- 9.29 Where notices (enforcement notices, civil penalties and cost recovery notices) have been issued by the enforcement authority, we want to grant a right of appeal to the first-tier tribunal, i.e. the General Regulatory Chamber.
- 9.30 Enforcement authorities will operate an internal appeals process as the first stage of review. Economic operators will have 21 days from receiving a notice to request that it be varied or set aside.
- 9.31 Grounds for appeal include challenging enforcement actions as unreasonable, or disputing compliance findings. Appellants may also challenge excessive penalties, unreasonable cost recovery, or decisions based on factual or legal errors.
- 9.32 The court or tribunal should have the ability to amend the notice as it sees fit based on the facts of the case. For example, if an appellant demonstrates that a suspension period is excessive, the court may reduce it.
- 9.33 We propose that an economic operator should also have the right of appeal against a recall notice, a suspension notice or a prohibition notice. An economic operator would have to apply to the court or tribunal within 7 days from the receipt of the notice to obtain a suspension of that notice. The notice will continue to have effect until the court or tribunal decides in favour of the appellant.
- 9.34 A shorter appeal period is justified here because these notices address more serious risks to safety, where swift enforcement is critical to prevent unsafe products being made available to the market.
- 9.35 We propose that in the event the court or tribunal does suspend the notice, the enforcement authority may apply for the revocation of such order.

Question 21: Do you agree with the time periods that an economic operator has to lodge their appeal?

<input type="checkbox"/>	Agree
<input type="checkbox"/>	Disagree
<input type="checkbox"/>	Neither agree nor disagree
<input type="checkbox"/>	Don't know

Please explain your answer and include any changes you would make to the proposals.

10. Questions

Chapter	Paragraphs	Question Number	Question Text
Chapter 4: Scope of the General Safety Requirement	4.9 – 4.10: Previously used products	1.	Do you agree that previously used products should be regulated in the same way as new products, unless the exemption applies?
Chapter 6: Overarching Safety Duty	6.5 – 6.9: Overarching safety duty proposal	2.	Do you agree with the proposal set out above of an overarching safety requirement on economic operators?
Chapter 7: Obligations on Economic Operators	7.5 - 7.11: Assessment of Risk	3.	Do you agree that the measures described as part of the process for assessing risk are reasonable and proportionate?
	7.12 - 7.16: Provision of product information	4.	Do you think the above list of criteria for product information is proportionate, as well as sufficient to support decisions to select the right product? If not, what further information do you think would be helpful
	7.17 - 7.18: Product labelling	5.	Do you agree with the proposals on product labelling?
	7.19 - 7.20: Requirement to retain records	6.	Do you agree that the manufacturer should maintain records of such actions for a period of 10 years beyond the last supply of the product?
	7.21 - 7.22: Requirements on Importers	7.	Do you agree with the proposals for the responsibilities of importers?
	7.23: Labelling (Importers)	8.	Do you agree with the proposals to make importers label products as set out above?
	7.24: Requirement to retain records (Importers)	9.	Do you agree with the proposed requirements on importers to retain records as set out above?

Chapter	Paragraphs	Question Number	Question Text
	7.25 - 7.26 Obligations on Construction Product Distributors	10.	Do you agree with the proposed requirements on distributors as set out above?
		11.	Do you think the requirement of creating records of purchase and supply and retain such records for 10 years to allow for traceability is proportionate?
	7.27 – 7.29: Requirements on fulfilment service providers	12.	Do you agree with the proposed requirements on fulfilment service providers as set out above?
	7.35: Common requirements - storage and transportation	13.	Do you agree that we should require economic operators to make sure that the way they store, or transport, products does not cause them to become unsafe?
	7.36 - 7.38: Monitoring Products on the Market	14.	Do you agree or disagree with the proposals for economic operators to monitor construction products that have been placed on the market?
	7.39 - 7.42: Co- operation with Enforcement Authorities	15.	Do you agree that economic operators should have a duty to co-operate and carry out actions when they are asked to by an enforcement authority?
Chapter 8: Responsibilities and Powers of Enforcement Authorities	8.13 - 8.19: Intervention Powers	16.	Do you agree that enforcement authorities should be able to accept an undertaking instead of taking formal enforcement action?

Chapter	Paragraphs	Question Number	Question Text
Chapter 9: Offences, Sanctions and Appeals	9.1 - 9.19: Offences, Sanctions and Appeals	17.	Do you agree with the proposal to introduce civil monetary penalties for non-compliance with requirements under the GSR?
		18.	Do you agree with the proposal to not extend powers to issue civil monetary penalties to LATS under the GSR, recognising their reduced role in enforcing construction product regulations?
	9.20 - 9.26: Cost Recovery Notices	19.	Do you agree with the proposal on cost recovery notices that the enforcement authority is able to issue?
		20.	Do you have views on whether LATS should have powers to issue cost recovery notices, as well as the national regulator for construction products?
	9.27 - 9.35: Appeals	21.	Do you agree with the time periods that an economic operator has to lodge their appeal?

11. Glossary of Terms and Acronyms

Conformité Européenne Mark (CE Mark)	A symbol affixed to products which are traded on the extended Single Market in the EEA (European Economic Area). It may signify that a product has been assessed to meet safety, health, and environmental protection. It can only be affixed to products covered by the New Approach Directives.
Construction Products Regulation 2011 (CPR)	Established harmonised rules for the marketing of construction products in the European Union, setting out conditions for CE marking by defining how the performance of such products is assessed, declared, and verified in relation to their essential characteristics.
Consumers	A person who purchases goods and services for personal use.
Designated Standards	A standard, developed by consensus, which is recognised by government by publishing its reference on GOV.UK in a formal notice of publication. Construction products designated standards are designated by the Secretary of State for Housing, Communities and Local Government and are mandatory standards.
Distributor	Any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market, including by offering products for sale, hire or hire purchase, or displaying products to customers or installers in the course of a commercial activity, and including through distance selling, whether or not in return for payment. This would include merchants of construction products or builders' merchants.
Economic operator	The manufacturer, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products or making them available on the market.
Enforcement authorities	A person or body having jurisdiction to carry out market surveillance and take enforcement action, in order to address non-compliance and reduce safety risks. For the purposes of the GSR this is the national regulator for construction products and local authority trading standards.

EU-CPR 2024	Adopted in 2024 and entered into force on January 7, 2025. This updated regulation introduces new rules for construction products to improve safety, sustainability, and digital transparency within the EU. Key changes include the mandatory introduction of Digital Product Passports (DPPs), which provide detailed information about a product's technical and environmental data, and an expansion of the CE marking to reflect both performance and environmental impact.
European/UK Assessment Document	A harmonised technical specification for construction products, established under the Construction Products Regulation/ A document adopted by the responsible Technical Assessment Body for the purpose of issuing UK Technical Assessments, under the Construction Products Regulations.
GB-CPR	UK's version of the Construction Products Regulation (CPR) as it applies to Great Britain (England, Scotland, and Wales) post-Brexit. The legislation provides a harmonised set of rules for placing construction products on the market to ensure they are safe and fit for purpose.
Factory production control	Factory production control is a documented, continuous, and internal system of production monitoring within a manufacturing facility. It ensures that products consistently meet specified performance, design, and regulatory requirements.
Forfeiture	The loss of any property without compensation as a result of defaulting on contractual obligations, or as a penalty for illegal conduct.
Fulfilment Service Provider	Any natural or legal person offering, in the course of commercial activity, at least two of the following services without having ownership of the construction products involved - Warehousing, Packaging, Addressing, and Dispatching.
Golden samples	A golden sample is a pre-approved product that meets all design and quality standards. It serves as the official benchmark for production and inspection, ensuring consistency and compliance.
Harmonised Standard	A harmonised standard is a European standard developed by a recognised European Standards Organisation: CEN, CENELEC, or ETSI. It is created following a request from the European Commission to one of these organisations. https://www.etsi.org/ https://www.cencenelec.eu/

Importer	Any natural or legal person established within the UK who places a construction product from outside the UK on the UK market.
Manufacturer	Any natural or legal person who manufactures a construction product or who has such a product designed or manufactured, and markets that product under his name or trademark.
Modern Methods of Construction (MMC)	A process which focuses on off-site construction techniques, such as mass production and factory assembly, as alternatives to traditional building.
Market surveillance	A process of monitoring the market, in order to identify potential non-compliance.
National regulator for construction products (<i>“the national regulator”</i>)	The national regulator for construction products was established within the Office for Products Safety and Standards (OPSS) in April 2021. It is leading and coordinating work to drive compliance with construction products regulations.
Office for Product Safety and Standards (OPSS)	The national regulator for all consumer products, except for vehicles, medicines and food. The national regulator for construction products sits within the OPSS (since April 2021).
Products are placed and made available to the market	Meaning first made available for distribution, consumption or use in the UK as part of a commercial activity, whether for payment or free of charge, and subsequently made available on the market, meaning supplied for distribution or use during commercial activity, again whether in return for payment or free of charge.
Supply Chain	The system through which a product is placed on the market, meaning first made available for distribution, consumption or use in the UK as part of a commercial activity, whether for payment or free of charge, and subsequently made available on the market, meaning supplied for distribution or use during commercial activity, again whether in return for payment or free of charge.
Technical Assessment	A formal, documented evaluation of a construction product’s or system’s performance and suitability for its intended use, often when a harmonised European or UK standard doesn’t fully cover it. This assessment is based on rigorous testing and technical data, and for European products, it leads to a European Technical Assessment (ETA) (or UK Technical Assessment (UKTA) in the UK) that enables CE marking (or UKCA marking), confirming its quality and facilitating its market entry.

12. Annex A: Data protection

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018 and other Data Protection Legislation.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to engagement on this consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities & Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at:

dataprotection@communities.gov.uk

Or by writing to the following address:

Data Protection Officer

Ministry of Housing, Communities and Local Government

Fry Building

2 Marsham Street

London

SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the engagement process, so that we can contact you to discuss your responses to the consultation and for statistical purposes.

We will collect your IP address if you respond to the engagement on this consultation online.

We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

The personal information we are requesting as part of this consultation includes:

- Your name
- Your email
- Your regional location
- Your position (if applicable)
- The name of organisation (if applicable)
- The size of your organisation, for example, a Small or Medium Enterprise (SME) or larger business (if applicable)
- What your organisation is, for example, a manufacturer, trading body, local authority (if applicable)

Sensitive types of personal data

Please do not share special category data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your response. By 'special category personal data', we mean information about a living individual's:

- Race
- Ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetics
- Biometrics
- Health (including disability-related information)
- Sex life
- Sexual orientation

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by MHCLG of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case engagement on a consultation.

4. With whom we will be sharing your personal data

MHCLG may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do, we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

MHCLG will take reasonable and proportionate steps to remove personal data from the consultation responses before using an Artificial Intelligence (AI) tool. The AI tool processes data securely and does not copy or share data. The data will only be accessed and used by those authorised to do so.

The AI tool identifies themes present in the responses. The draft themes are reviewed and agreed by a policy team before the tool then maps responses to the themes to be used by policy teams to analyse the consultation. MHCLG will take steps to check for accuracy and identify and reduce bias.

See below the list of government departments we may share your full responses with.

- Department for Business and Trade (DBT), including the Office of Product Safety and Standards
- Number 10
- Cabinet Office
- HMT
- DESNZ
- DSIT
- BSR

5. For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data will be held for two years from the end of engagement on this white paper, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner's Office (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact ICO at <https://ico.org.uk>, or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO:

dataprotection@communities.gov.uk

Or by writing to the following address:

Knowledge and Information Access Team

Ministry of Housing, Communities & Local Government

Fry Building
2 Marsham Street
London
SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

We use a third-party system, Citizen Space, to collect responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for 2-years of retention before it is deleted.

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