



Human Environment and Transport  
Inspectorate  
*Ministry of Infrastructure  
and Water Management*

# Market Surveillance Construction products

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2021-11-18





## Introduction

1. Human Environment and Transport Inspectorate and market surveillance the Netherlands
2. Market Surveillance in Europe
3. Revision of the CPR



Human Environment and Transport  
Inspectorate  
*Ministry of Infrastructure  
and Water Management*

What is the Human  
Environment and  
Transport  
Inspectorate? And  
what do we stand for?





# The Human Environment and Transport Inspectorate works on safety, trust, and sustainability





› Our Fields of Expertise:

- Transport
- Infrastructure
- Environment
- Housing

■ With approximately 150 topics



Check out the ILT

Brief overview of our work



# Our Approach

- We focus on risks to people and the environment
- We prevent damage to society and the environment
- We send signals to political counterparts and society
- We are the eyes and ears of the minister
- We operate where we achieve the greatest impact



# Our Approach

- Investigation of incidents and accidents
- Risk-oriented and information-driven supervision
- Optimal service and customer-oriented licensing
- The Special Intelligence and Investigation Service provides adequate investigation in the event of criminal offences





Minister  
**BARBARA VISSER**



State Secretary  
**STEVEN VAN WEYENBERG**



Secretary-General  
**JAN HENDRIK DRONKERS**



Dep Secretary-General  
**HILLIE BEENTJES**

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Human Environment and  
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**RUTH CLABBERS**

Maritime Affairs Directorate  
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Schiphol Programme  
**JEROEN VAN BERGENHENGOUWEN**

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Redesign Programme  
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**WINO AARNINK**

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**MARIËTTE VAN EMPEL**

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Programme  
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**ESTHER DE KLEUVER (Dep DG)**

Environmental Safety and  
Risks Directorate  
**JUDITH ELSINGHORST**

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**MATTHEUS WASSENAAR (Dep)**

External Relations and Services  
**STEFANIE SPEKREIJSE (Dep)**

Public Institutions and Control  
and Housing Associations Authority  
**TON HUGENS**

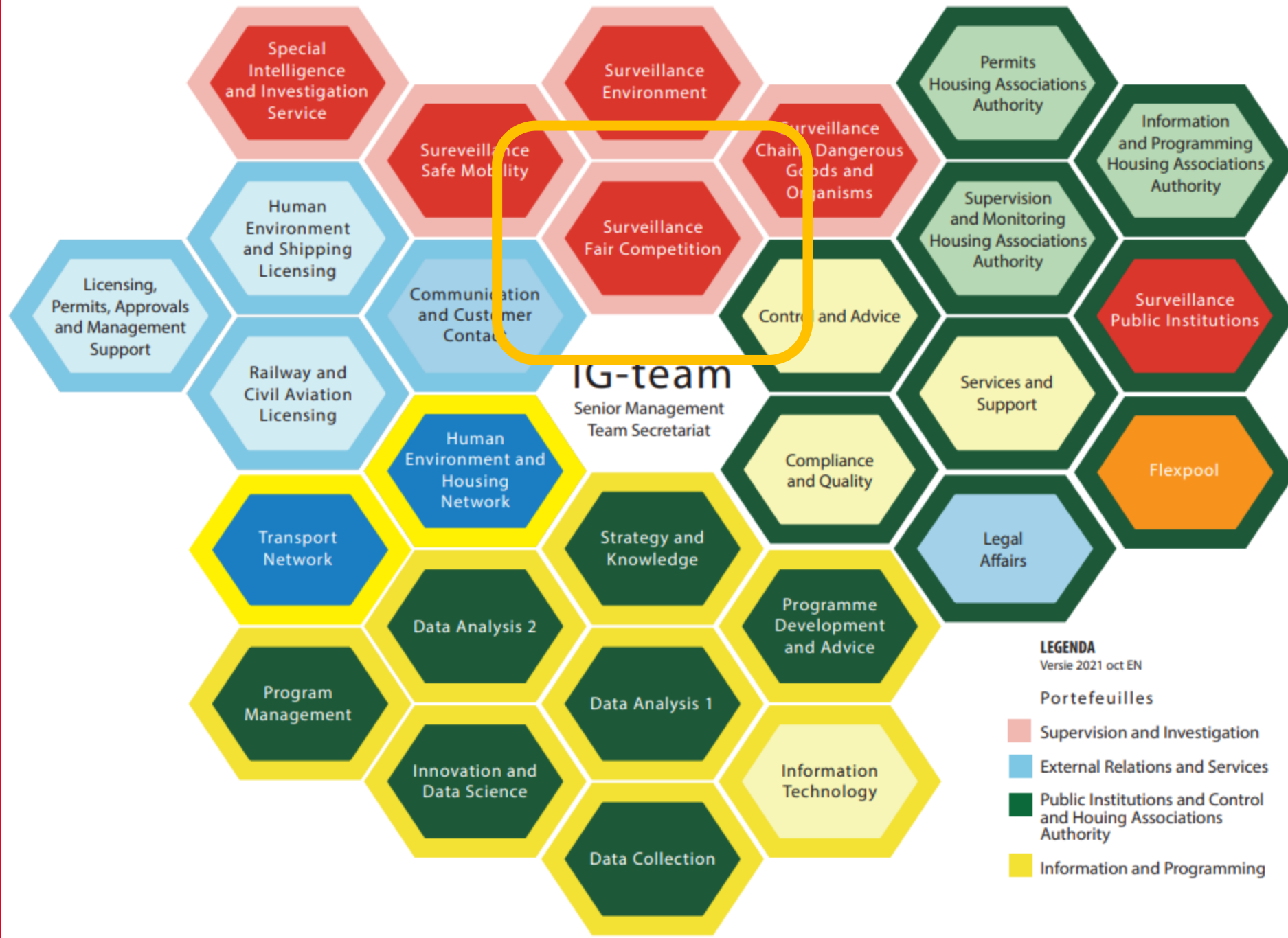
Supervision and Investigation  
**KARIN VISSER**

Information and Programming

External Relations and Services

Public Institutions and Control and  
Housing Associations Authority

Supervision and Investigation



- LEGENDA**  
Versie 2021 oct EN
- Portefeuilles**
- Supervision and Investigation
  - External Relations and Services
  - Public Institutions and Control and Housing Associations Authority
  - Information and Programming



## Market surveillance Construction products

- Ministry of Infrastructure and Water Management (I&W)
- Ministry of the interior and Kingdom Relations (BZK)
- Distinction between policy making and surveillance activities
- Regulation 305/2011/EU (Construction products - CPR) EU



## Surveillance of Construction Products

- 9 inspectors: proactive and reactive surveillance activities
- 1 inspector: AdCo / contact with policy section
- Supported by a lawyer, network advisor, data-analyst, investigation Service (OD) and others



### Cooperation

- local authorities, associations, NEN, BZK, EZK, RVA, RVO, etc
- EU Market surveillance authorities (MSA)



## Surveillance of Construction Products - Tasks

Inspection of approx. 250 construction Products, yearly

### Pro-active

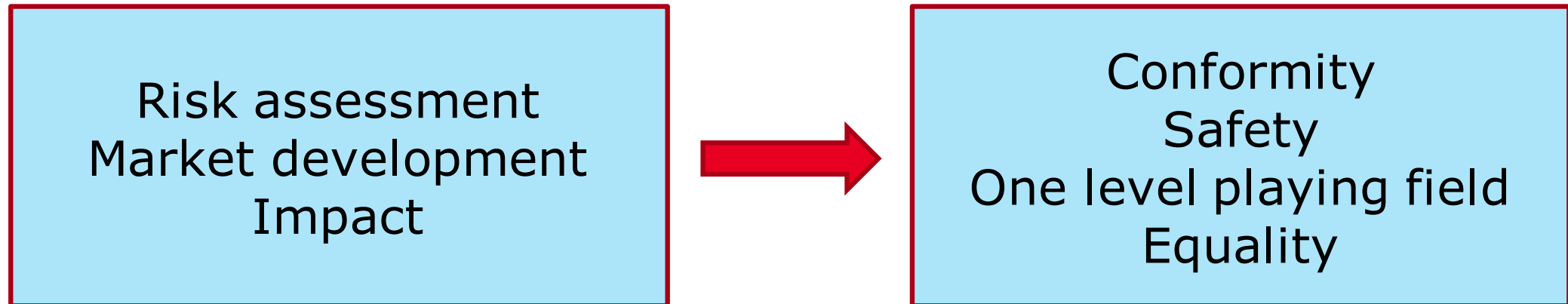
- based on projects

### Re-active

- Complaints and signals



## Surveillance of Construction Products - Projects





## Project Cables 2019-2022

- motivation: New hEN (EN 50575) and EU joint initiative Administrative and testing
- Results so far; >100 product inspected (EU)
- Approx. 25% non conform





## Project Smoke Alarms 2021-2022

- motivation: revised national regulation and high risk when failure
- Administrative and testing
- Approx. 50 products at 24 companies







## Surveillance of Construction Products - Inspections

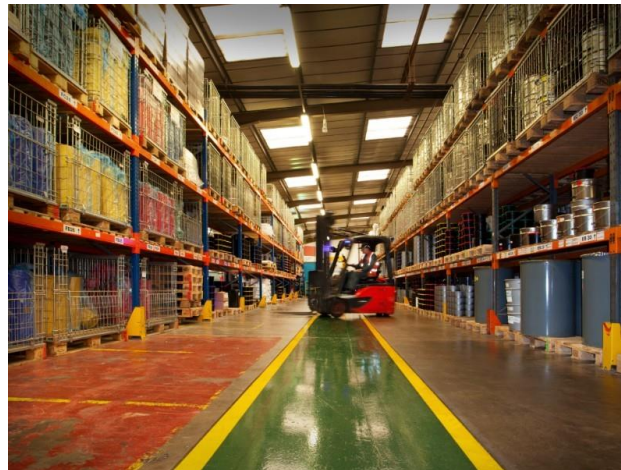
- Market research
- Administrative research
- Inspection at the economic operator
- Testing
- Verifications



# Surveillance of Construction Products - Inspections

Manufacturer

Importer

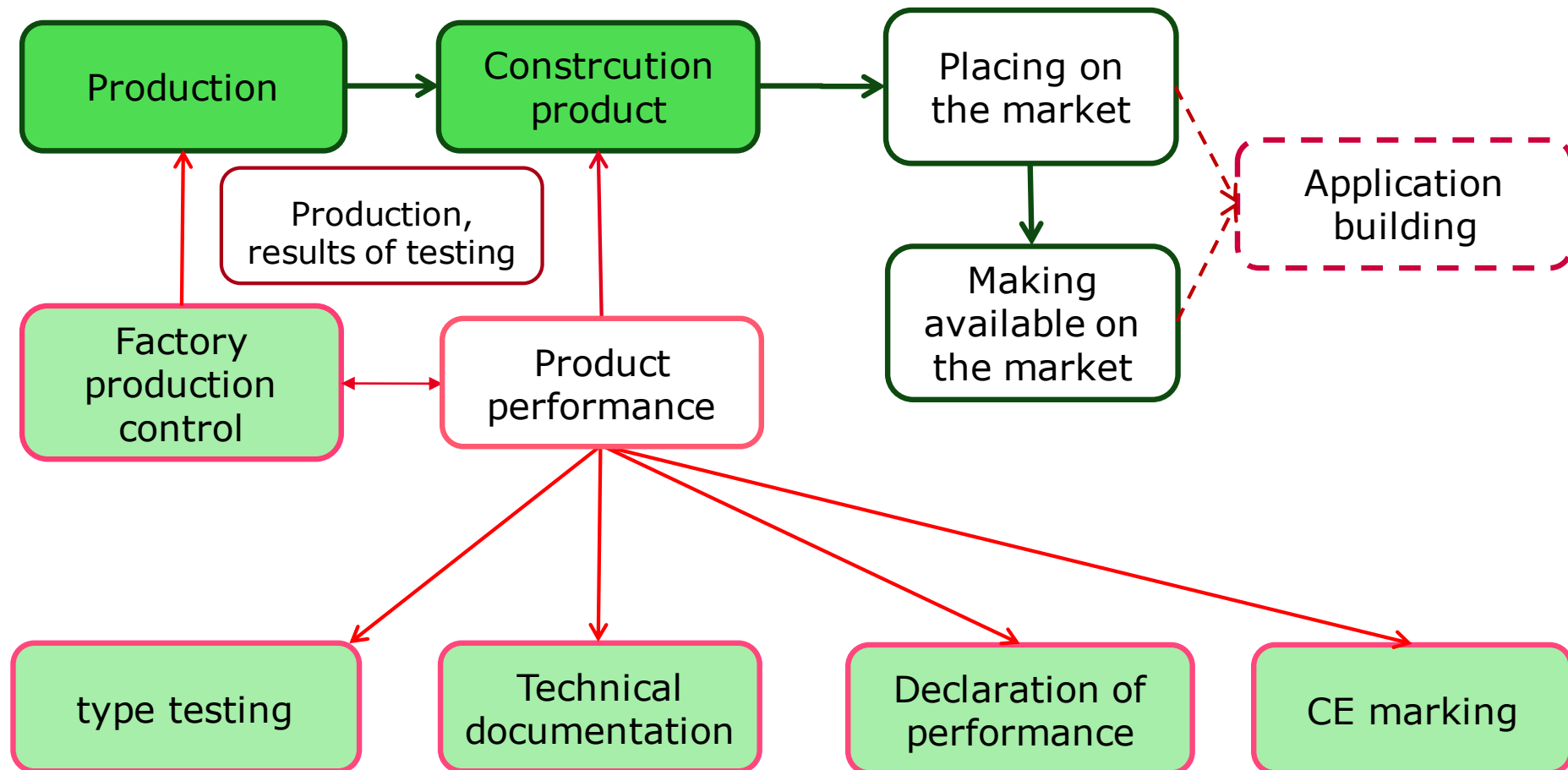


authorised  
representative

Distributor



# Surveillance of Construction Products - Inspections





# Intervention

## Administrative penalties

- Informing;
- Official warning;
- administrative order for periodic penalty payments;
- order for coercive administrative action.

## Criminal offence (bv valsheid in geschrifte)

- economic offence (e.g. falsification of documents) :
  - Official record by public prosecutor



## Part 2



# Market Surveillance - EU



## Market Surveillance - EU

ILT - Participant of the ADCO CPR Group:

- Cooperation with EU Commission, GNB, EOTA, CEN, EU Associations
- Cross border cooperation – MSA's
- Joint actions (Electrical cables, Vehicle restraint systems)
- Interpretation issues and best practices



EU tools to share information among MSA's:

- ICSMS (pass the baton, Safeguard clause, Market surveillance programs and strategies)
- RAPEX - Rapid Exchange of products that present a risk



# Market Surveillance Regulation 2019/1020

In force: 16 July 2021

- Replaces the market surveillance chapter of Regulation 765/2008
- EU harmonization legislation on non-food products: 70 pieces of legislation listed in Annex I → incl. Construction Products Regulation 305/2011
- *lex specialis*: provisions do not apply if already regulated in the product-specific legislation itself
- New definitions and powers to intervene in online sales
- More and better cooperation at national and EU level
- New economic operator (article 4)
- Legal establishment of ADCO Groups, MSA's, EU Product Compliance Network and Single liaison office
- Obligation to use the information sharing tools, like ICSMS
- Implementation in national legislation is still ongoing.



## Regulation 2019/1020 - Article 4

Product may be placed on the market if there is a responsible economic operator established in the Union:

Manufacturer within the Union

Importer

Authorised representative

Fulfilment service provider

Applies to 18 product sectors, including Construction Products Regulation 305/2011





## Part 3



# Revision of the CPR



# Revision of the CPR

## ADCO CPR Group – WG 6

- Analysing the existing legislation on market surveillance applicable to construction products
- Revision of the CPR: proposal for a new chapter related to the market surveillance procedure
- ILT is member of WG 6 and commented the proposal

## Other concerns:

- Harmonised standards are not up to date (CPD based, not in line with technical progress/ innovation)
- Expanding market for reused construction products
- Absence of specific test methods for market surveillance purposes



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