Rialtas na hÉireann
Government of Ireland

Preliminary Regulatory Impact Analysis

DRAFT Amendment to Part D (Materials and Workmanship) of the Building Regulations and Technical Guidance Document D

February 2026

Prepared by the Department of
Housing, Local Government and Heritage
gov.ie

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For public consultation

Summary of Regulatory Impact Analysis	
Department of Housing, Local Government and Heritage	**Title of Legislation:** DRAFT Building Regulations (Part D Amendment) Regulations 2026, and DRAFT Technical Guidance Document D 2026 – Materials and Workmanship
Public Consultation	
February 2026	
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Related Publications:

- Building Regulations, 1997 (S.I. No. 497 of 1997)
- Technical Guidance Document D (Materials and Workmanship) 2013 (TGD D)
- Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024

Introduction

This preliminary Regulatory Impact Analysis has been prepared to evaluate the proposal to amend Part D (Materials and Workmanship) of the Second Schedule to the Building Regulations, and the associated Technical Guidance Document D (TGD D).

What are the policy objectives being pursued?

1. Ensure alignment of Part D of the Building Regulations with the Construction Products Regulation (EU) 2024/3110.
2. Enhance structure and readability of the Technical Guidance Document and update references accordingly.

What policy options have been considered?

Option A - Do nothing; or

Option B - Amend Part D/TGD D. Introduce amendments as proposed to the Building Regulations, and associated minimum standards in TGD D.

What is the recommended option?

Option B - Introduce amendments as proposed to the Building Regulations and associated TGD D – Materials and Workmanship.

Benefits	Costs	Impacts
Reference to Regulation (EU) 2024/3110 will ensure alignment with Part D of the Building Regulations and facilitate the effective functioning of the EU internal market for construction products.	The proposed provisions will not impose a cost.	Clarity on the interface between the Building Regulations and the provisions of Regulation (EU) 2024/3110.
Enhanced clarity of provisions relating to Materials and Workmanship.		There will be no additional burden imposed on businesses, including SMEs.
Enhanced readability of Technical Guidance Document D.		

For public consultation

Section 1: Introduction

1.1 Background

1.1.1 Building Regulations

The Building Regulations set the legal requirements to provide for the health, safety and welfare of people in and around buildings.

Part D (Materials and Workmanship) of the Second Schedule to the Building Regulations sets out the requirements for materials and workmanship. The associated Technical Guidance Document D (TGD D) indicates how the requirements of this part can be achieved in practice.

Part D 2013 requires that all works should be carried out in a workmanlike manner using proper materials which are fit for the use for which they are intended and for the conditions in which they are to be used to ensure compliance with the Building Regulations.

1.1.2 Construction Products Regulation (CPR 2011)

Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011[1] (known as the Construction Products Regulation or "CPR 2011") lays down conditions for the placing or making available on the EU market of construction products by establishing harmonised rules on how to express the performance of construction products in relation to their essential characteristics and on the use of CE Marking on those products. It effectively made Declarations of Performance and CE marking mandatory for many construction products being placed on the market from 1st July 2013.

Part D/TGD D 2013, the current version, regulates on the use of construction products and materials, in accordance with the harmonised frameworks provided for in the CPR 2011. Part D/TGD D 2013 recognises Declarations of Performance and CE marking

[1] Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC https://eur-lex.europa.eu/eli/reg/2011/305/oj/eng

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required under CPR 2011 as the main source of information on the performance characteristics of most construction products.

Under Part D 2013, 'proper materials' includes materials which comply with the CPR 2011, an appropriate harmonised standard or European Technical Assessment or comply with an appropriate Irish Standard or Irish Agrément Certificate or with an alternative national technical specification of any State which is a contracting party to the Agreement on the European Economic Area, which provides in use an equivalent level of safety and suitability.

TGD D 2013 provides guidance on establishing fitness of a construction product or material for its intended use and for the conditions in which they are to be used. The materials, methods of construction, standards and other specifications (including technical specifications), which are referred to in TGD D 2013 are those which are likely to be suitable for the purposes of the Part D.

1.1.3 Review of Construction Products Regulation 2011 (CPR 2011)

A review of the CPR 2011 was confirmed by the European Green Deal[2] in December 2019 and the Circular Economy Action Plan in March 2020[3]. This review found that, while the current rules guaranteed a harmonised framework for the marketing of construction products in the EU, there were some aspects that needed to be improved. This was particularly so as regards the process in place to elaborate harmonised standards for construction products. Very few harmonised EU standards have been referenced in the EU Official Journal in recent years. CPR 2011 was deemed to be unfit to deliver on broader policy priorities, particularly on the European Green Deal. It was also considered necessary to accelerate the uptake and deployment of digital technologies.

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[2] The European Green Deal is a roadmap and series of policy measures to ensure that the EU's economy is sustainable and meets climate and environmental challenges whilst enabling economic growth. A key focus of the Green Deal is moving towards a circular economy that decouples economic activity from resource extraction and waste production. https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

[3] A new Circular Economy Action Plan For a cleaner and more competitive Europe (2020) COM/2020/98 final https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN

1.1.4 Construction Products Regulation 2024 (CPR 2024)

Regulation (EU) 2024/3110[4] (known as "CPR 2024"), was published in the EU Official Journal on 18 December 2024. In general, the CPR 2024 applies from 8 January 2026[5] with transitional arrangements providing for the repeal of the CPR 2011 over the period from 2026 to 2040. CPR 2024 is directly applicable in Irish law.

CPR 2024 aims to achieve a well-functioning single market for construction products and contribute to the objectives of the green and digital transition[6], particularly the modern, resource-efficient and competitive economy.

In order to keep the Building Regulations up to date and in alignment with European legislation dealing with construction products, it is necessary to amend Part D/TGD D 2013 to refer to the harmonised frameworks provided for in CPR 2024. The output from these harmonised frameworks will over time become an additional source of information on the performance characteristics of construction products replacing those produced under CPR 2011.

An opportunity has also been taken in Draft TGD D 2026 to improve the structure and readability of the guidance.

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[4] Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011 https://eur-lex.europa.eu/eli/reg/2024/3110/oj/eng

[5] Some articles apply from the 7 January 2025 to facilitate preparatory implementation work.

[6] An EU Strategy on Standardisation – Setting global standards in support of a resilient, green and digital EU single market (2022) and Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery (2021).

Section 2: Context

2.1 Policy Context

2.1.1 Review of Building Regulations

Building Regulations and the associated TGDs are subject to ongoing review in the interests of safety and the well-being of persons in the built environment and to ensure that due regard is taken of EU Regulations, changes in construction techniques, technological progress and innovation.

It is particularly important that we ensure that the construction sector operates to the highest standard and that we have confidence in construction practices, construction materials, the workforce and the housing they build.

2.1.2 European Union Policy on Construction Products

The European Commission adopted the new circular economy action plan[7] (CEAP), in March 2020. It is one of the main building blocks of the European Green Deal[8], Europe's new agenda for sustainable growth. The EU's transition to a circular economy will reduce pressure on natural resources and will create sustainable growth and jobs. It is also a prerequisite to achieve the EU's 2050 climate neutrality target and to halt biodiversity loss.

The CEAP announced initiatives along the entire life cycle of products. It targets how products are designed, promotes circular economy processes, encourages sustainable consumption, and aims to ensure that waste is prevented and the resources used are kept in the EU economy for as long as possible.

The CEAP called for a review of CPR 2011, which found that, while the current rules have guaranteed a harmonised framework for the marketing of construction products in

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[7] A new Circular Economy Action Plan For a cleaner and more competitive Europe (2020) COM/2020/98 final https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN

[8] The European Green Deal is a roadmap and series of policy measures to ensure that the EU's economy is sustainable and meets climate and environmental challenges whilst enabling economic growth. A key focus of the Green Deal is moving towards a circular economy that decouples economic activity from resource extraction and waste production. See Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, the European Green Deal, COM (2019) 640.

the EU, there are some aspects that needed to be improved. Very few harmonised EU standards have been referenced in the EU Official Journal in recent years. CPR 2011 is not fit to deliver on broader policy priorities, particularly on the European Green Deal. It was also deemed necessary to accelerate the uptake and deployment of digital technologies.

The two general objectives of CPR 2024 are to (1) achieve a well-functioning single market for construction products and to (2) contribute to the objectives of the green and digital transition, particularly the modern, resource-efficient and competitive economy.

CPR 2024:

- Aims to address bottlenecks in the functioning of the standardisation process - it gives the European Commission new 'fall-back' powers to develop harmonised technical specifications for assessing the performance of a construction product if European standardisation bodies are too slow to act. In addition, the Commission is empowered to supplement harmonised performance standards with specific product requirements relating to the functionality, safety and environmental impacts of a "product family" or product categories within it (for example, cladding, fire retardant products, flooring, roof coverings). In such cases, product manufacturers will be required to provide a declaration of conformity as well as the existing declaration of performance;
- Aims to clarify how the EU's power to regulate the marketing of construction products interacts with the right of Member States to set their own requirements for construction works (for example, through Building Regulations). It defines a 'harmonised zone' for regulation at EU level - harmonised EU standards or technical specifications in these areas cannot be altered by Member States;
- Aims to improve the availability of environmental and product safety information - it clarifies the obligations of manufacturers of construction products, as well as importers and other economic operators, including fulfilment service providers and online marketplaces;

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- Seeks to enhance market surveillance, and strengthen enforcement powers. The Commission has set up a complaint portal for reporting possible breaches of the CPR;
- Provides for the establishment of a digital product passport system for construction products (similar to that envisaged in the Eco-Design for Sustainable Products Regulation);
- Includes 3D-printed products within the definition of construction products, and its scope is extended to used products; and
- Gives the European Commission various powers to adopt implementing and delegated acts.

CPR 2024 was published in the EU Official Journal on 18 December 2024. In general, the CPR 2024 applies from 8 January 2026[9] with transitional arrangements providing for the repeal of the CPR 2011 over the period from 2026 to 2040. CPR 2024 is directly applicable in Irish law.

The transitional arrangements allow, inter alia, for the following:

- harmonised standards, in force on 8 January 2026 under CPR 2011, to remain valid under CPR 2024, until they are withdrawn or repealed. Harmonised technical specifications developed under the CPR 2024, will progressively and over time replace harmonised standards (and, or, European Assessment Documents in force under the CPR 2011), when they cover the same product family or category.
- European Assessment Documents, in force on 8 January 2026 under CPR 2011, to remain valid under CPR 2024 until 9 January 2031, unless they have expired for other reasons. All other European Assessment Documents will be developed and published under the CPR 2024.

[9] Some articles apply from the 7 January 2025 to facilitate preparatory implementation work.

For public consultation

In accordance with CPR 2024, the Declaration of Performance and Conformity (DoPC), drawn up by the relevant economic operator, will include:

- product performances in relation to essential characteristics,
- environmental sustainability performance over the product's life cycle in respect of predetermined environmental essential characteristics and,
- where applicable, verification of the fulfilment of product requirements.

Declared performances will be established by the relevant economic operator in accordance with the assessment and verification system set out in the harmonised technical specification.

General product information, instructions for use and safety information will also be provided in relation to construction products covered by harmonised technical specifications.

2.2 Regulatory Context

The design and construction of buildings in Ireland is regulated under the Building Control Acts 1990 to 2025, in order to ensure the safety of people within the built environment.

2.2.1 Building Control Act

The Building Control Acts 1990 to 2025, sets out the statutory framework for the regulation and oversight of building activity based on:

a) The minimum requirements for the design and construction of buildings as set out in the Building Regulations 1997 to 2024.

b) Detailed Technical Guidance Documents, which outline how these requirements can, *prima facie*, be achieved in practice.

c) Clear administrative procedures for demonstrating compliance in respect of an individual building or works as set out in Building Control Regulations.

d) The responsibility for compliance with the Building Regulations resting first and foremost with building owners, developers/builders and designers.

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e) The responsibility for enforcing compliance with the building regulations resting with the 31 local building control authorities.

2.2.2 Building Regulations

The Building Regulations 1997 to 2024 set out the legal requirements for the construction of new buildings (including houses), extensions to existing buildings as well as for material alterations and certain material changes of use to existing buildings and are divided in 12 parts (classified as Parts A to M).

Technical Guidance Documents (TGDs), are published to accompany each of the Parts and provide guidance indicating how the requirements of that Part can be achieved in practice. Where works are carried out in accordance with the relevant technical guidance such works are considered to be, *prima facie*, in compliance with the relevant regulation(s).

Primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of buildings.

2.2.2.1 Part D of the Building Regulations

Part D (Materials and Workmanship), was first introduced in 1991 as an integral part of the Building Regulations, all parts of which came into effect mid-1992. The Regulations were revised and replaced in 1997. An amendment to regulate on the positioning of letter plates was added in 2000.

Part D of the Building Regulations sets the requirements for “proper materials” to be used in a workmanlike manner in all works. It does not prescribe which products can be used in works, but provides sample routes for materials to demonstrate that they are “fit for the use for which they are intended and for the conditions in which they are to be used.”

TGD D contains guidance on how to comply with Part D in practical terms. Where works are carried out in accordance with this guidance, this will, prima facie, indicate compliance with the Regulations.

For public consultation

2.3 Statement of Objectives

The proposed amendment primarily aims to ensure alignment of Part D of the Building Regulations with CPR 2024 and in doing so maintain adequate standards of health, safety and welfare for persons in and about buildings and facilitate the effective functioning of the EU internal market.

The key objectives of the proposed amendments are as follows:

1. Ensure alignment of Part D of the Building Regulations with CPR 2024.
2. Enhance the structure and readability of the Technical Guidance Document and update references accordingly.

2.4 Overview of the Proposed Amendment to Part D / TGD D

Part D of the Building Regulations 2013 provides a definition for ‘proper materials’ which incorporates references to construction products CE marked in accordance with CPR 2011 or compliant with harmonised standards / European Technical Assessments under CPR 2011.

This definition requires an extension to refer to appropriate references to the CPR 2024. In order to clarify, inter alia, that construction products which bear a CE mark in accordance with the CPR 2024 or which comply with a harmonised technical specification or European Technical Assessment in accordance with the CPR 2024 shall also be included in the definition of ‘proper materials’.

Where construction products are not covered by CPR 2011 or CPR 2024, Part D / TGD D continues to provide other methods for demonstrating fitness for purpose regarding the use of products in building works.

The proposed amendments may be summarised as follows:

1. Definition D3 of the Second Schedule to the Building Regulations includes reference to CPR 2024.
2. Draft TGD D 2026 is restructured to enhance readability of the Technical Guidance Document and references are updated accordingly.

The above changes are detailed in the following sub-sections.

For public consultation

2.4.1 Draft Building Regulations (Part D Amendment) Regulations 2026

It is proposed to amend the Second Schedule to the Building Regulations 1997 by substituting for Part D of the Second Schedule the following:—

PART D

MATERIALS AND WORKMANSHIP

Materials and workmanship	**D1**	All works to which these Regulations apply shall be carried out with proper materials and in a workmanlike manner.
Letter plates	**D2**	A letter plate aperture shall be so positioned at a reasonable height above ground level so as not to endanger the health and safety of persons using such apertures.
Definitions for this Part	**D3**	In this Part— "proper materials" means materials which are fit for the use for which they are intended and for the conditions in which they are to be used, and includes materials which— (a) bear a CE Marking in accordance with the provisions of Regulation (EU) No 305/2011 or Regulation (EU) 2024/3110, (b) comply with an appropriate harmonised standard or European Technical Assessment in accordance with the provisions of Regulation (EU) No 305/2011, (c) comply with an appropriate harmonised technical specification or European Technical Assessment in accordance with the provisions of Regulation (EU) 2024/3110, or

For public consultation

		(d) comply with an appropriate Irish Standard, Irish Agrément Certificate or with an alternative national technical specification of any State which is a contracting party to the Agreement on the European Economic Area, which provides in use an equivalent level of safety and suitability; "Agreement on the European Economic Area" means the Agreement on the European Economic Area between the European Union, its Member States and the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway (OJ No. L 001, 03.01,1994, p. 3.), as adjusted by subsequent amendments to that agreement; "Regulation (EU) No 305/2011" means Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 (OJ No. L 88, 04.04.2011, p. 5.); "Regulation (EU) 2024/3110" means Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 (OJ No. L, 2024/3110, 18.12.2014.).

2.4.1.1 Application of Draft Building Regulations (Part D Amendment) Regulations

It is proposed that the draft Building Regulations (Part D Amendment) Regulations, and any associated changes to TGD D will apply to all works to which the Building Regulations apply.

For public consultation

2.4.2 Draft TGD D 2026

Draft TGD D 2026 replaces TGD D 2013 and includes the following changes:

- Restructuring of the guidance to align with draft (Part D Amendment) Regulations.
- Enhancing readability and accessibility.
- Clarification on the use of British Standards.
- Reference to competency schemes that came into existence since 2013.
- Updating of references to standards and publications.

For public consultation

Section 3: Cost Benefit Analysis

3.1 Identification and Description of Options

The Department has considered two options for this preliminary RIA.

3.1.1 Option A – Do Nothing

Do not introduce amendments to the Building Regulations/ Technical Guidance Document D – Materials and Workmanship.

3.1.2 Option B – Amend Part D / TGD D

Introduce amendments as proposed to the Building Regulations and Technical Guidance Document D – Materials and Workmanship to align with CPR 2024.

It is proposed to amend Part D of the Building Regulations to update definition D3 to clarify that Declarations of Performance and Conformity and CE marking required under CPR 2024 will become an accepted source of information on the performance characteristics of construction products from mid-2026.

Draft TGD 2026 is updated accordingly, refer to section 2.4.2 for more detail.

3.2 Impact Analysis

3.2.1 Option A – Do Nothing

Option A represents a 'do nothing' approach which may ultimately result in the following negative impacts:

1. Part D 2013/ TGD 2013 will remain the same, will become out of date and out of alignment with EU legislation, causing ambiguity in national requirements for the use of construction products and potentially creating a barrier to trade, due to lack of explicit reference to CPR 2024 provisions.
2. The associated TGD D 2013 will remain the same and not be amended in accordance with technical advancement of CEN standards, EU internal market common technical language and international practice, leaving ambiguity in respect of the application of documents cited in TGD D 2013 that have been withdrawn.

For public consultation

3. There will be no enhancements to readability, accessibility, clarifications provided in the TGD which will result in variations in interpretation in local authorities and construction professionals.

3.2.2 Option B – Amend Part D / TGD D

Updating Part D/TGD D will ensure:

1. Alignment of Part D of the Building Regulations with CPR 2024.
2. Enhanced structure and readability of the TGD D and update references accordingly.
3. Support the EU policy on construction products (See 2.1.2).

3.3 Cost

3.3.1 Option A – Do Nothing

If the status quo is maintained, Part D of the Building Regulations and TGD D will not provide up to date guidance on national requirements for “proper materials” in alignment with EU legislation in respect of construction products. No enhancements to readability, accessibility, understanding or implementation of Part D of the Building Regulations will be provided in TGD D.

While there may be no direct cost implication associated with the ‘do nothing’ option, it presents a risk of substantial indirect costs which may arise due to:

1. Uncertainty about suitability of products at design and construction stages of building projects, leading to potential delays.
2. Variations in interpretation and application of Building Regulations at local, regional, and national level with respect to what constitutes “proper materials”.
3. Uncertainty in relation to the functioning of the EU internal market in Ireland.

3.3.2 Option B – Amend Part D / TGD D

There is no cost associated with the proposed amendment to Part D of the Building Regulations which is consequential to the implementation of the CPR 2024.

For public consultation

3.4 Benefits

3.4.1 Option A – Do Nothing

With the 'do nothing' option, no benefits are attained.

3.4.2 Option B – Amend Part D / TGD D

The benefits of Option B are as follows:

- Enhanced clarity of proposed provisions relating to the use of *"proper materials"* to demonstrate compliance with Irish Building Regulations.
- The technical guidance document will be updated to promote ease of use, understanding and interpretation.

3.5 SME (Micro, Small and Medium Enterprises) Test

The construction industry in Ireland and the residential sector in particular includes a high number of SMEs[10]. Whilst the provisions of the CPR 2024 itself will represent a marked change for the SME sector, it should be noted that the European Commission consulted widely[11] on its proposed revision of CPR 2011. The Department disseminated information to relevant Irish stakeholders during the development of the CPR 2024.

This preliminary RIA concerns itself only with the impacts of changing the Building Regulations to make reference to the mandatory EU Regulation.

3.5.1 Consultation of SME stakeholders

See 3.6.2.

3.5.2 Identification of affected businesses

See 3.6.5.

For public consultation

[10] SMEs are defined as enterprises with fewer than 250 persons engaged. SMEs are further split into micro enterprises with fewer than 10 persons engaged, other small enterprises with between 10 and 49 persons engaged and medium sized enterprises with between 50 and 249 persons engaged.

[11] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12458-Construction-products-review-of-EU-rules_en

3.5.3 Measurement of the impact on SMEs

The proposed legislation will not have a negative impact on SMEs. It is proposed that the finalised Part D amendment regulations and technical guidance will come into force in mid-2026.

The proposed Part D amendment regulations provide enhanced clarity to SMEs of proposed provisions relating to the use of “proper materials” to demonstrate compliance with Irish Building Regulations.

3.5.4 Assessment of alternative mechanisms and mitigating measures

See 3.1.

3.6 Other Impacts

3.6.1 Competition Assessment

There are no significant areas where issues of competition, restriction or imbalance have been identified. The Department of Housing, Local Government and Heritage considers that the proposal would have no significant effect on competition in any markets. The Department also considers that the proposals apply in a proportional and equitable way.

3.6.2 Consultation

3.6.2.1 Public Consultation

The following draft documentation including are published to support a public consultation on the matter:

- Draft Building Regulations (Part D Amendment) Regulations 2026,
- Draft Technical Guidance Document D 2026 – Materials and Workmanship, and
- this Preliminary RIA,

All submissions received will be considered before a final draft of the proposed Building (Part D Amendment) Regulations 2026 and Technical Guidance Document D – Materials and Workmanship (2026), are recommended to the Minister of State at the Department of Housing, Local Government and Heritage for signature into law.

For public consultation

The Department, in conjunction with building control authorities, will work closely with all concerned in order to ensure a smooth transition to the proposed new regulatory requirements that will result from this public consultation.

The public consultation documentation seeks general comment on proposals and is issued to a list of individuals and organisations previously identified as being a key stakeholder to the CPR 2011/ CPR 2024 and/or having an interest in Building Regulations and broader issues relating to building standards.

3.6.2.2 Consultation with the European Commission and Member States

In accordance with the notification requirements of Directive (EU) 2015/1535[12], the European Commission was notified of the Draft Part D Regulations/Technical Guidance Document and this preliminary RIA. The notification will allow the European Commission and the Member States of the EU to examine the technical regulations before their adoption.

3.6.3 Regulatory Burden

Building Control Officers will need to familiarise themselves with the amended requirements and guidance. It is generally accepted in the industry that both building standards and codes of practice evolve over time. This should not have any significant impact on design and supervision fees.

There will be a requirement for additional training of Building Control Officers. This will be included as part of ongoing training delivered by the National Building Control and Market Surveillance Office.

It is generally accepted in the industry that building regulations and technical guidance evolve over time. The proposed amendments should not have any major impact on design and supervision fees.

3.6.4 Enforcement and Compliance

The primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of buildings.

[12] Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

For public consultation

Enforcement of the Building Regulations is delegated under the Building Control Act (as amended), to the local building control authorities (i.e. the 31 local authorities), who are independent in the exercise of their statutory powers. Building Control Authorities who have a broad range of powers under the Act to investigate and, where appropriate, take action in the event that non-compliances are identified in buildings.

Separate to the proposed amendment to Part D of the Building Regulations, the European Union (Construction Products) Regulations 2025 (S.I. No. 669 of 2025) gives full effect to CPR 2024 and allows for the transition from CPR 2011 up to 2040. These Regulations make provision for market surveillance, enforcement and penalties relevant in Ireland.

3.6.5 Sectors and groups affected

Sectors and groups that would be affected include:

1. Construction professionals involved in building design, specification of construction products, construction and compliance certification would need to familiarise themselves with the new regulations and technical guidance; and
2. Building Control Authorities responsible for, inter alia, enforcement for compliance with Part D of the Building Regulations would need to familiarise themselves with the new regulations and technical guidance.

Section 4: Summary and Recommendations

4.1 Option A – Do Nothing

This option is not recommended for the reasons outlined above.

4.2 Option B – Amend Part D / TGD D

Option B is the recommended course of action to adopt.

- This option supports national and EU policy, by aligning Part D of the Building Regulations with CPR 2024 provisions.
- The amendment of TGD D will further promote and improve readability, accessibility and understanding supporting implementation of Part D of the Building Regulations.

For public consultation

Appendix A – SME Test

Application of SME Test:

Draft Building Regulations (Part D Amendment) Regulations 2026

Draft Technical Guidance Document D (2026) Materials and Workmanship

Screening question

Is the new policy, primary or secondary legislation, or regulatory compliance requirement relevant for SMEs[13]?

The following questions must be answered:

- Are SMEs within the scope of the measure? Yes ☒ No ☐
- Does the measure specifically target SMEs? Yes ☐ No ☒
- Will or could SMEs be impacted directly or indirectly by the measure? Yes ☒ No ☐
- Are SME impacts likely to be more substantial than on other companies, for example, in terms of adverse effects? Yes ☐ No ☒

If you said yes to any of the above, complete Sections 1-5.

1. Consultation

1. What consultation will/has taken place to capture input from the SME community, particularly those most impacted by this measure?

Public consultation	☒
Online consultation	☒
Consultation with SME representative bodies	☐
Notifications of consultation to database of interested stakeholders	☒
Interviews and panels with experts	☐
Webinars	☐
Roundtables	☐
Public meetings	☐
Other	☐

If Other, please provide details:

_____

_____

_____

[13] Medium <250 employees, Small < 50 employees, Micro SME <10 employees

As per EU definition of an SME: https://single-market-economy.ec.europa.eu/smes/sme-definition_en

For public consultation

2. Identification of affected businesses

2a: Please identify the type of SMEs that will be directly or indirectly (i.e. SMEs not in scope, but potentially affected indirectly, for instance through impacts on supply chain) affected by proposed policy change -

Micro (1-9 employees) ☐

Small (10-49 employees) ☐

Medium (50-249) employees ☐

All of the above ☒

2b: Has an estimate been carried out of the numbers of micro, small and medium companies affected directly or indirectly by the measure?

Yes ☐ No ☒

2c: Will the proposed policy change have a greater impact on SMEs in any particular economic sector?

Yes ☐ No ☒

If Yes, please specify.

The proposed regulatory change will affect all builders and professionals (including SMEs) in the construction sector.

2d: Will the proposed policy change have a greater impact on SMEs in any particular region?

Yes ☐ No ☒

If Yes, please specify.

For public consultation

3. Assessment of the impacts on SMEs

3a: What are the expected positive impacts of the policy change on SMEs ?

- Improved regulatory framework Yes ☒ No ☐
- Improved working conditions Yes ☐ No ☒
- Cost savings Yes ☐ No ☒

If other, please provide details.

This regulatory change will not impose any additional costs.

3b: Will the proposed changes result in any of the following impacts for SMEs?

- Administrative costs, including the obligation to provide information on the activities or products of the company, including one-off and recurring administrative costs? Yes ☐ No ☒
- Compliance costs, including the obligation to pay fees or duties; and costs created by the obligation to adapt the nature of the product/service and/or production/service delivery process to meet economic, social or environmental standards. Yes ☐ No ☒
- Other impacts, including on business entry and exit; competition and competitiveness? Yes ☐ No ☒
- Discourage entrepreneurship or innovation? Yes ☐ No ☒
- Impacts of any proposed exemption thresholds on business growth? Yes ☐ No ☒
- Impacts on SME population composition and location? Yes ☐ No ☒
- Additional reporting requirements? Yes ☐ No ☒

For public consultation

4. Assessment of alternative options and mitigating measures

4a. If the analysis above has shown that the proposed policy changes will result in negative impacts on SMEs, has there been consideration of any measures to mitigate against these impacts.

Examples of mitigating measures include

- Exemption for certain SME cohorts (e.g. micros);
- Simplification of administrative procedures and use of plain English;
- Reduction of information requirements;
- Less onerous or less frequent inspection regimes for small businesses;
- Provision of longer transitions periods for SMEs so that they can have more time to allocate resources when dealing with policies;
- Lower administrative fees;
- Access to financing or lower interest rates in order to comply;
- Training and assistance with compliance;
- Requirement for SMEs to have only to register for a certain activity rather than having to be fully licensed;
- One-stop shops.

Yes ☐ No ☐

Please provide details.

Not applicable.

For public consultation

5. Post-completion of SME Test

5a: Have you noted the outcome of the SME Test identifying the impacts and provision for mitigating measures, under the Impacts section of the Memorandum for Government proposing the policy changes?

Yes ☐ No ☐

5b: Have you made this form available publicly on your Department website?

Yes ☒ No ☐

If not, please give reason why.

For public consultation

gov.ie/housing

The Department of
Housing, Local Government and Heritage

Rialtas na hÉireann
Government of Ireland