

Construction Products Reform Green Paper



About BESA and introduction

The Building Engineering Services Association (BESA) is the UK's leading trade body for building engineering services contractors. We have more than 700 members, 95 per cent of which are SMEs, with a combined annual turnover of approximately £4.3bn, and 55 manufacturer and distributor affiliate members, including global brands such as Daikin and Mitsubishi Electric. This broad membership allows us to bring a whole of supply chain perspective to this response.

We represent the interests of firms active in the design, installation and maintenance of heating, cooling and ventilation systems in buildings, from domestic to commercial and industrial. These will be renewable systems, such as heat pumps, fossil fuel-powered systems like boilers, or a hybrid. BESA's members operate through the whole process from design of a building through construction, occupation, refurbishment and, ultimately, decommissioning.

As a leading voice in the construction industry, BESA plays a critical role in advocating for and fostering a culture that demands safe practices and empowers growth and productivity. Alongside this, we ensure the industry meets competence requirements through the industry-recognised registration scheme, SKILLcard, and are future-proofing the sector through qualification standards for the industry, ranging from career entry routes to upskilling on emerging technologies.

BESA welcomes the Government's commitment to implementing the recommendations for Sir Martin Moore-Bick's landmark inquiry into the Grenfell fire and driving the change needed. The construction sector faces significant challenges navigating uncertain economic times – the ONS reports the sector's output is estimated to have seen no growth in Q1 2025¹ – while also supporting the Government's housebuilding ambitions; however, this cannot abrogate the importance of improving building safety and addressing the challenges laid bare in Sir Martin's final report.

BESA welcomes the opportunity to respond to the questions set out in the Green Paper, the first of what we hope will be many formal consultations with industry. We look forward to being a constructive partner of Government to bring about the change we urgently need. We broadly support the proposals set out in the green paper; however, we believe there are some industry considerations which could build on and improve the regulatory framework.

¹ [Construction output in Great Britain: March 2025 and new orders January to March 2025](#)

Our substantive response to particular chapters follows; however, at its core, our response sets out the following as our members' priorities:

- **Alignment with Europe:** HVAC products and components are manufactured to meet high standards across multiple jurisdictions. In particular, a number of our affiliate members sell the same product in the UK and the EU. When implementing a new construction product regulatory regime, it is essential that it does not add unnecessary regulatory burdens on manufacturers who are committed to bringing safe, quality products to the UK and EU markets.
- **The testing regime:** Alongside alignment with the EU, there must be clarity and consistency around the testing regime itself, including third party testing where there are different standards between the EU and the UK. Key to a clear and comprehensive testing regime that gives manufacturers confidence and certainty is clarity around how the regime will address not just components, but also full combinations of products and the how the new regulatory framework will assess new and innovative products in a speedy way. As part of this, consideration should be given to how a product is likely to be used and where a product is likely to be installed to ensure a full and comprehensive safety assessment.
- **Enforcement:** When implementing a new regulatory regime, a clear and strong focus must be on enforcement to ensure everyone in the supply chain can have confidence in it. BESA's affiliate members manufacture products and components to a very high standard, exceeding EU and UK regulations. It is clear that in some subsectors, some products are not being manufactured and tested to such high and rigorous standards; as a priority, the new regulator should focus on those products which are not already heavily regulated.
- **Product substitution:** It is essential that installers and contractors have clear guidance on product substitution. An aging workforce can mean there is a mismatch between legacy ways of working and innovative products. This means it is essential to ensure we have a skilled workforce and there is a focus on upskilling the existing workforce. There must also be a differentiation between generic training and product-specific training to ensure products are being installed correctly so they can be used safely.

BESA's Response

Chapter 2: An overview of the problems.

BESA welcomes the Government's commitment to a regulatory framework which has a focus on safety at its heart. To ensure the homes and buildings we live and work in are safe, we must deliver cultural change. We broadly accept the problem definition outlined in Chapter 2; however, would make clear that almost all products and components in the HVAC sector are already highly and well-regulated. We recognise there are some gaps more broadly across the sector and would recommend the Government prioritise a designated standard for those products.

We welcome the acknowledgement that the development of new standards can be slow. We expect to see much innovation across the HVAC sector in the coming years and therefore believe it is critical to provide industry with a clear timeline and set ambitious targets to assess new and innovative products. This will mean consumers are able to benefit from these innovations, by ensuring that the are no

adverse safety implications arising from the products and their use, and possibly reducing their energy bills. When finalising this regulatory framework, we would recommend the Government to particularly focus on third-party testing to ensure there is alignment with the EU to give industry certainty and reduce unnecessary burdens that could drive prices up for consumers or slow the introduction of new products to the UK market.

We believe the Government has missed the opportunity to set out the impact of the skills challenge on ensuring product safety. As set out above, there can be conflict between legacy working practices and the installation and use of new and innovative products. As part of its wider consideration of change and reform in the construction sector, the Government must clearly set out its plan to address the skills challenge – not just ensuring there is a talent pipeline coming through but also making sure that existing contractors and specialists are accessing professional development training and upskilling.

Chapter 3: Overlap with other regulatory regimes

Manufacturers and economic operators supply the same product to multiple markets; this is particularly true of those in the HVAC sector. When developing a regulatory framework for England and Wales it will be important to ensure there is overlap with Scotland and Northern Ireland to ensure consistency across the United Kingdom internal market. As set out in our introduction, and below, it will also be important to seek broad regulatory alignment between the UK and the EU. As part of a wider position on alignment, BESA would welcome the new regulator working to ensure there is alignment with existing life cycle assessments to ensure consistency with any existing sustainability regulations that manufacturers are bound to.

Chapter 4: Interaction with the United Kingdom internal market and the European Union

BESA believes that broad regulatory alignment between the UK and the EU would be a positive move for construction products regulation. Several of our affiliate members manufacture products for sale in both the UK and the EU markets. Adopting definitions set out in the EU-CPR is a logical approach and give manufacturers certainty, removing the risk of unnecessary bureaucratic burdens and promote innovation and economic growth. In doing so, it is imperative there is a level playing field and that this is a two-way street for UK-based businesses so that the benefits derived from an aligned regulatory framework do not favour EU businesses. It is critical that the EU accepts UK standards, testing and certification as part of this. At all times in the coming months, the Government and new regulator must be cognisant of the cost to business and not unnecessarily burden businesses with additional bureaucracy and costs.

Chapter 5: Scope and Definitions of Reform

Consistent with our position regarding regulatory alignment and interaction with the EU, BESA supports adopting a definition of a construction product that is consistent with the EU-CPR. In refining the scope

of the future regulatory framework, it is imperative the Government remember that products and components are rarely used in isolation; they are part of whole-of-building systems and kits that are brought together as one. It will also be important to provide clarity on product substitutions, in particular where that could have an impact on performance, particularly if the substituted product or component is being used in a different manner to which it was assessed for safety reasons. In establishing this regulatory framework and adopting definitions, it will be important to consider what is the widely understood definition of modern methods of construction across the construction sector to ensure there is no duplication or misalignment between how MMC is already defined and understood.

Clarity on whether some HVAC products which are used in buildings but may not necessarily be considered a permanent fixture in the construction works would fall within the scope of these regulations would be welcome. This might reasonably include components that make a building habitable but can easily be removed, such as portable air conditioning and heating units, walk-in refrigeration units, wiring and extraction units. A lack of certainty could lead to unintended consequences and unrealisable expectations of certain safety standards for particular products.

Chapter 6: Product Requirements – A Regulatory Approach Based on Safety Risk

BESA believes that all regulatory frameworks in the construction sector should have safety and risk at its heart. Many products and components that our affiliate members manufacture and distribute, and which our contractor members work with day-to-day are already heavily regulated. We believe the starting premise should be that products should be covered by a designated standard and subject to a technical assessment; it is critical to ensuring the regulatory framework inspires confidence across the supply chain. On that basis, we would recommend the Government prioritise working with the BSI and other relevant stakeholders to set a standard for construction products and components that are not already heavily regulated. Already, large multi-national manufacturers are producing products and components to a high standard and could reasonably be expected to observe a general safety requirement; however, we remain concerned that those who need regulating will not observe the same principles as our affiliate members and other high standard manufacturers. This would ensure broad consideration is given to a product's safety, including a reasonable consideration of its use within the broader context. Should the Government maintain its proposed approach, enforcement and regular spot checks will be key to ensure confidence in the regulator and its work. Similarly, we would have concerns about placing a burden on importers and manufacturers who are likely to have different knowledge bases and skill sets and assumes that they will have access to the relevant information from a manufacturer.

The other key considerations in this chapter must be how components are part of a finished combination of products and third-party verification. Any assessment should consider whether a construction product is safe to use, how and where the product is reasonably expected to be installed and used. We call on the Government to ensure that, as well as setting a standard for individual components, that consideration is given to how a combination of products can be tested. We recommend the new regulator work with industry to refine this. Third-party verification will be critical to

the success of this new regulatory regime. BESA members want to ensure that there are consistent, high standards in the UK that align with the EU's regulatory requirements.

As set out in our introduction and response to Chapter 2, we believe there remains a significant challenge in ensuring there is a skilled and competent workforce in the construction sector. While this will, likely, be outside the remit of the new Construction Products Regulator, it is imperative that the new regulator works with the Building Safety Regulator, and soon to be established Construction Regulator and Skills England to ensure there is a holistic approach to skills across the whole of the sector. In doing so, the Government and the new regulator must commit to engaging with industry and co-designing an approach that covers both generic training for the sector and specific product training for the technologies that are critical to our net zero ambitions.

Chapter 7: Clear accessible information

We recognise the importance of ensuring all parties in the supply chain and consumers can access information. While we welcome transparency for everyone, we do think there are some considerations that have not been addressed in the Green Paper. Already, there are several databases, and we would recommend consideration is given to ensuring there is no duplication and that where there are multiple databases that there is a process for regularly checking there is no conflicting information or misalignment between the databases. We assume that the new Construction Product Regulator will bear administrative and financial responsibility for ensuring that databases are maintained and correct. Finally, with respect to public databases, we would welcome the Government and the new regulator committing to engaging with industry on the level of information that will be publicly available. This would go a long way to assuaging any industry concerns about commercially servicing technical testing data being in the public domain, this would particularly include test data undertaken for R&D purposes.

Chapter 8: Assurance and oversight of testing and conformity assessment

Critical to the success of this regulatory regime will be confidence in testing and safety assessments. BESA believes that it should be mandatory for all products and components which are to be used in construction to be certified either to a designated standard or by a third-party assessor who has given due consideration to reasonable safety and risk standards. As we set out above in our response to Chapter 6, we believe all products that are not already covered by an existing regulatory standard should be covered by a designated standard and subject to a technical assessment. On that basis, we would recommend the Government prioritise working with the BSI and other relevant stakeholders to set a standard for construction products and components that are not already heavily regulated.

Chapter 9: Regulating the market

With respect to the functions of the regulator, as we set out in our response to Chapter 6, we believe it is critical that the third-party testing regime gives the industry confidence and that standards are

aligned with the EU's, to ensure manufacturers have certainty. With respect to the enforcement functions you are considering, it is essential that first, the new regulator works in concert with the Building Safety Regulator and its successor, as well as the Office for Product Safety and Standards, and secondly, that it is robust and stronger than the existing regulatory framework. As part of this, there must be significant consequences for those who do not follow the rules to send a clear message and act as a deterrent for bad actors.