



IMPLEMENTATION OF EUROPEAN STANDARDS IN THE ASSESSMENT OF CONSTRUCTION PRODUCTS IN THE REPUBLIC OF BULGARIA – LEGISLATIVE FRAMEWORK

G. Ts. Velkovska

Trakia University, Stara Zagora, Bulgaria

Summary. The main criteria for assessing the performance of construction companies and the main criticisms of them are related to serious violations of European quality standards for building materials and inputs accordingly proposing poor final construction product. This causes acute need for the application of strict legislation and strict control on the implementation of European standards in the assessment of construction products, manufactures and companies in the sector in Bulgaria. In connection with all these considerations, the purpose of this article is to review the main points of the current legislation in Bulgaria related to the implementation of European standards in the assessment of construction products.

Key words: construction products; European standart; construction materials; notification; technical assessment; technical control; European label; construction firm; construction market; competition.

Introduction

Over the past 10–15 years, the construction sector in Bulgaria has experienced a serious upswing, but fell into a serious crisis. There has recently been a revival of the industry, which has a positive impact on the construction market.

According to some sources, Bulgaria, VAT registered companies are 362,677 to 15.01.2013. From that number, according to the Construction Chamber, the number of registered companies in the «construction» is about 4000.

The main criteria for assessing the performance of construction companies and the main criticisms of them are related to serious violations of European quality standards for building materials and inputs accordingly proposing poor final construction product. This causes acute need for the application of strict legislation and strict control on the implementation of European standards in the assessment of construction products, manufactures and companies in the sector. Why?

a) the Republic of Bulgaria adopted Regulation (EU / № 305/2011) The European Parliament and of the Council laying down harmonized conditions for the marketing of construction products and

repealing Council Directive 89/106/EEC/OJEU, issue. L88/5 of 04.04.2011.

b) The free market requires the need for the establishment and operation of an effective competitive environment between firms (Law on protection of competition).

c) free market also demands, fair treatment of consumers of construction products (Law on consumer protection), etc.

In connection with all these considerations, the purpose of this article is to review the main points of the current legislation in Bulgaria related to the implementation of European standards in the assessment of construction products.

1. Requirements for construction products

A/European standards

According to the above Regulation (EU / № 305/2011) The European Parliament and of the Council laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC/OJEU No. L88/5 of 04.04.2011, Member States have introduced provisions relating not only to the safety of buildings and other structures, but also to health, durability, energy saving, environmental protection, economic aspects and other important



aspects of the public interest. Laws, regulations and administrative provisions or case law established at Union level or at the level of the Member States relating to construction, may affect the requirements of construction products.

Where applicable, provisions for an intended use or uses of a construction product in a Member State, aimed at fulfilling the basic requirements for construction works, determine the essential characteristics whose performance which should be declared in order to avoid «empty» declaration performance should be declared at least one of the essential characteristics of the construction product, which relate to the declared use or uses. Member States in their requirements for construction works, as well as other national rules in relation to the essential characteristics of construction products should use methods that are in accordance with harmonized technical specifications.

Where appropriate, should be encouraged in harmonized standards of classes of performance in relation to the essential characteristics of construction products, in order to take into account different levels of basic works requirements for certain works as well as differences in climate, geology and geography and various other conditions in the basis of a revised mandate, the European standardization bodies should be entitled to establish such classes in cases where the Commission has not established them.

Where an intended use requires threshold levels in relation to the essential characteristics that must be fulfilled by construction products in Member States, those levels should be established in the harmonized technical specifications. In assessing the performance of a construction product should also take into account aspects related to health and safety arising from the use of the product during its entire life cycle.

B/Technical requirements for products (according to the Law on technical requirements for products).

According to the Law on technical requirements for products, building products provide the performance of BWR, where they meet the Bulgarian national requirements for the intended use or uses, and when there exists a harmonized European standards whose regulations already discussed above. When there are no technical specifications, it is believed that construction products may be used in the works depending on their intended use, when their performance and methods for their determination meet the requirements of:

- regulations for the design, implementation, control and maintenance of the works they contain requirements for construction products and/or national standards transposing European or international standards;

- Bulgarian national standards or national standards equivalent to Bulgarian methods and requirements when standards;

- Bulgarian technical approvals when also no standards; In law, the functions of a notified body performs Minister of Investment Design Bulgaria.

These functions are:

- European Commission under art. 42 of Regulation (EC) N^o 305/2011; define a specialized department to perform the functions of the point of contact for construction products in accordance with Art.10 Regulation (EC) N^o 305/2011 and in accordance with Art. 9 Art. 10 and Art. 11 Regulation (EC) N^o 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision N^o 3052/95/EC;

- to issue permits to persons to perform the conformity assessment and assessment and verification of constancy of performance of construction products, to issue European Technical Assessment and Bulgarian technical approvals for construction products when they meet



the requirements of Art. 43 and Art. 46 Regulation (EC) No 305/2011 and Art. 10 of this Act; withdraw and reissue permits issued, expand and update their coverage stops and limits their operation;

- determine by order Bulgarian national requirements for construction products in relation to the intended use, including the cases of Art. 5 of Regulation (EC) No 305/2011;

- Law assigns also features a number of notified bodies. They are obliged to submit to the State Agency for Metrology and Technical Surveillance, respectively the Ministry of Investment Design, an annual report on its activities, which reports on the compliance assessment of the types of products and procedures, copies of certificates and approvals, denials certificates and approvals, statements of objections and complaints and the action taken to solve them.

2. Requirements for construction products (according to the Ordinance on the essential requirements for construction and conformity assessment of construction products in the State Gazette. Issue. 106/2006) The Construction products intended for permanent incorporation in the works under the said Ordinance shall be placed on the market if:

- fit for the intended use for them, and in particular meet the essential requirements for building works within the meaning of the Bulgarian civil law for an economically reasonable working life and meet the established technical specifications;

- possess appropriate characteristics for installation, mounting, mounting or installation in the works that are designed, built and commissioned in accordance with the technical rules, norms and standards set by the relevant regulations.

Construction products are valued in accordance with the technical specifications as follows:

- national standards of countries – members of European Union, which introduce harmonized European standards, the

numbers have been published in the «Official Gazette» of the European Union;

- European technical approvals when no technical specifications;

- national technical specifications which have been published in the «Official Gazette» of the European Union, also when there are no technical specifications.

Where the technical specifications do not exist, have not been published or not yet entered into force, construction products evaluated in accordance with regulations and technical specifications established in the Republic of Bulgaria (Bulgarian technical specifications) as follows:

- regulations for the design, implementation, control and maintenance of the works they contain requirements for construction products and / or

- national standards transposing European or international standards;

- Bulgarian national standards or national standards equivalent to Bulgarian methods and requirements when standards;

Bulgarian technical approvals when also no standards.

The manufacturer or his authorized representative shall be marketed construction products which comply with the European technical specifications with the CE conformity marking, accompanied by the EC declaration of conformity and instructions for application, prepared in Bulgarian. Marketing of construction products fit for use shall be subject to assessment of their conformity with the essential requirements for building works. The manufacturer or his authorized representative shall be marketed construction products that match Bulgarian technical specifications with a declaration of compliance with the guidelines for application, prepared in Bulgarian.

Construction products which comply with the Bulgarian technical specifications not bear the CE marking of conformity.

Control of moisture in building construction products is carried out by the consultant in carrying out conformity



assessment of investment projects and construction supervision under construction Bulgarian legislation. Supervision of construction products, in line with European technical specifications which are marketed or used in the works, including checking for the presence of the EC declaration of conformity, CE marking and instructions for applying the Bulgarian language shall be exercised by market surveillance identified a specific regulation.

Conclusion

Need for strict regulation and tighter controls on the implementation of European standards for quality of construction products is directly related to the requirements that the legislature has regulated the works as a place in which moisture building materials in order to obtain the final product. Bulgarian legislator has defined the essential requirements for building works. They are qualified as required in the performance of which is achieved safety and health of people, domestic animals and the environment and property, and which relate to the predictable effects.

Essential requirements for works which may influence the technical characteristics of construction products are:

- mechanical resistance and stability (bearing capacity);
- fire safety;
- hygiene, health and the environment;
- safe operation;
- noise protection;
- saving energy and heat (energy efficiency).

Compliance with these essential requirements for building works is a guarantee of quality building product that every construction company enters into decent and fair competition with other companies from the construction industry.

Bibliography

1. Law on technical requirements for products
2. Ordinance on the essential requirements for construction and conformity assessment of construction products in the State Gazette. issue. 106/2006.
3. Regulation (EU / № 305/2011) The European Parliament and of the Council laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC/OJEU No L88/5 of 04.04.2011.
4. www.capital.bg.
5. www.ikonomika.org.
6. <http://www.mip.government.bg/bg/pubs/2/9>.
7. www.mrrb.government.bg.

© Velkouska G. Ts., 2014