RESOLUTION
No. 1764
of December 20, 2006
Kyiv

On Approving the Technical Regulation on Construction Products, Buildings, and Construction Works

In accordance with Article 14 of the Law of Ukraine “On Standards, Technical Regulations, and Conformity Assessment Procedures”, the Cabinet of Ministers of Ukraine hereby resolves:

1. To approve the Technical Regulation on Construction Products, Buildings, and Construction Works (hereinafter “the Technical Regulation”), hereby attached.

2. The Ministry for Construction, Architecture, and Municipal Economy shall form a board charged with implementing the Technical Regulation, to include representatives of the State Committee on Technical Regulation and Consumer Policy, of the Ministry for the Protection of Natural Environment, of the Ministry for Emergency Situations and for Matters of Protecting the Population from the Aftermath of Chernobyl Disaster, of the Ministry of Health, and of other central executive authorities and interested organizations.

3. To establish that presumed to be construction products manufactured before the enactment of this Resolution, shall be such construction products as are fit for their intended use, where such construction products satisfy the requirements of normative documents that were in force as of the date of manufacture of the products.

Prime Minister of Ukraine V. YANUKOVYCH

Index 21
TECHNICAL REGULATION  
on Construction Products, Buildings, and Construction Works  

General Provisions

1. This Technical Regulation has been drawn up with due account of the requirements of the CE Directive 89/106/EEC of 21 December, 1988 on the approximation of laws, regulations and administrative provisions of the Member States, pertaining to construction products, and lays down the essential requirements for construction products (hereinafter “products”), buildings, and construction works (hereinafter “construction works”) as regards ensuring the safety of human life and health, operation safety, mechanical strength and durability, fire safety, energy economy, and protection of the natural environment, as well as the procedures for the assessment of the products’ conformity with the established requirements, and the procedure for the application thereof.

2. For the purposes of this Technical Regulation, terms used shall have the following meanings:

Construction norms: norms containing mandatory requirements pertaining to construction and urban development;

Regulatory technical specifications: standards, technical specifications, and technical certificates, adopted by Derzhspozhyvstandart (the State Committee on Technical Regulation and Consumer Policy) or Minbud (The Ministry for Construction, Architecture, and Municipal Economy) within their competence;

Assessment of products’ fitness for use: a procedure for verification of new products the manufacture, use, and operation of which are not regulated by existing normative documents with regard to conformity with the essential requirements for products and construction works;

Technical certificate: a document issued by Minbud upon assessment of products’ fitness for use;

Conformity assessment procedure module (hereinafter “the Module”): a set of agreed-upon procedures for the assessment of the products’ conformity with the established requirements.


3. Products covered by effect of other technical regulations providing for the application of the national conformity mark, must satisfy also the requirements of such technical regulations.

Where the manufacturer or a person authorized by the manufacturer (hereinafter “manufacturer”) affixes on a product the national conformity mark in accordance with one or several of said regulations, the accompanying documents shall contain a record of the products’ conformity with such regulations.
4. Products shall be presumed fit for their intended use if satisfying the essential requirements set forth in this Technical Regulation, for the construction works where such products are used, and the regulatory technical specifications and building norms, as well as if bearing the national conformity mark.

The presence of the national conformity mark on a product certifies its conformity with the requirements of this Technical Regulation, regulatory technical specifications, and building norms.

5. Essential requirements for construction works shall be determined with regard to technical traditions, climatic and other conditions, as stipulated in regulatory technical specifications and building norms.

6. Essential requirements for products and construction works shall be given concrete form in regulatory technical specifications and building norms.

7. Upon submission of the central executive authorities responsible for technical regulation in the fields of activity concerned, Minbud shall approve and publish lists of such regulatory technical specifications and building norms the satisfaction of the requirements of which will serve as evidence of the satisfaction of the requirements of this Technical Regulation.

8. Minbud shall draw up and periodically update the list of products the impact of which on health and safety of persons is insignificant, but the placement of which on the market shall be permitted subject to the presence of a declaration of conformity drawn up by the manufacturer concerned.

9. Products that satisfy the requirements of this Technical Regulation, shall have freedom of movement, placement on the market, and use in the Ukrainian territory.

**Essential Requirements for Construction Works**

10. Construction works in their entirety and individual parts thereof, must be fit for their intended use and satisfy the essential requirements for them. Subject to normal maintenance of construction works, the essential requirements for them must be complied with during the reasonable service life of the construction works, with due account of the predictable impacts.

11. Essential requirements for construction works are the following:

1) Assurance of mechanical strength and durability. Loadings liable to act on a construction work during its constructions and use must not lead to the collapse of the whole or part of the work, and to deformations exceeding such as are admissible according to building norms;

2) Compliance with the following fire safety requirements:

The load-bearing capacity of the construction can be assumed for a specific period of time;

The spread of fire and smoke within the works, as well as to neighboring construction works and adjacent territory, is limited;

Evacuation of personnel from the construction work or their rescue otherwise is assured;

The safety of rescue teams is assured;
3) Assurance of:

The safety of persons’ life and health, and protection of the natural environment. A construction work must satisfy the requirements of legislation pertaining to the protection of human health and the natural environment;

Safety in use. In use of construction works, risks of accidents must be precluded;

Protection against noise. Level of noise and vibrations in construction works must not exceed the established norms;

Energy economy. In design and erection of a construction work and of its installations, efficient consumption of such energy must be assured as is needed for its use, having regard to the climatic conditions.

Regulatory Technical Specifications and Building Norms

12. Regulatory technical specifications and building norms for products and construction works shall be drawn up on the basis of target specifications approved by Minbud, and shall contain technical characteristics of the products and construction works.

13. The procedure for the drawing up, adoption, and publication of regulatory technical specifications and building norms shall be subject to approval by Minbud and Derzhspozhyvstandart, within their competence.

14. Minbud, Derzhspozhyvstandart, developers of regulatory technical specifications and building norms, and the organizations responsible for expert examination thereof, shall provide for the compliance of such regulatory technical specifications and building norms with the requirements of European legislation and technical specifications.

Assessment of the Fitness for Use of New Products

15. New products for the production processes, the applications and use of which are not regulated by normative documents, shall be subject to the assessment of their fitness for use, by carrying out the procedure for assessing the fulfillment of the essential requirements for the assurance of safety of persons’ life and health and for the protection of natural environment, in accordance with the Rules for the Assessment of New Construction Products’ Fitness for Use, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 240 of March 01, 2006 (“Ofitsiyniy Visnyk Ukrayiny”, 2006, No. 10, p. 613).

16. Where the result of the application of the procedure for the assessment of new products’ fitness for use, proves positive, Minbud shall issue the technical certificate.

17. Minbud shall effect registration of technical certificates and shall publish information on registered technical certificates in its edition.

Conformity Assessment Procedures

18. The assessment of products’ conformity with the requirements of this Technical Regulation shall be carried out by way of the manufacturer declaring the conformity of the products, the declaration to be drawn up according to the Annex, or by way of certification performed by a conformity assessment body appointed according to the established procedure (hereinafter
19. The following conformity assessment procedures shall be applied:

1) testing by the manufacturer of a certain type of products;

2) testing by the assessment body of a certain type of products;

3) surveillance of the production control at the factory;

4) testing by the manufacturer of the product samples selected at the factory in accordance with the testing program;

5) carrying out by the assessment body of inspection and assessment of the production control system;

6) further testing by the manufacturer of the product samples selected at the factory in accordance with the testing program;

7) carrying out by the assessment body of the on-going surveillance, analysis, and assessment of the production control system;

8) testing by the assessment body of the product samples selected at the factory, in the market, or at the construction site in accordance with the auditing program.

All the applied conformity assessment procedures must be documented by the manufacturer.

Where it is impossible to carry out the conformity assessment in accordance with the described procedure, a calculation method for the assessment of conformity shall be applied, in accordance with the procedure approved by Minbud.

20. The choice of a conformity assessment procedure shall depend on:

1) the possession by the manufacturer of a production control system ensuring the conformity of the products with the requirements of this Technical Regulation, and the existence of relevant regulatory technical specifications and building norms;

2) the assessment body charged with carrying out the inspection, surveillance, assessment, and analysis of the production control system;

3) the importance of the part played by the products with respect to assuring the conformity of the construction works with the essential requirements;

4) the nature of the product;

5) the susceptibility of the products to changes in their characteristics during the use of the construction works;
6) the susceptibility to defects in the products manufacture.

Said procedures are stipulated by standards and technical specifications and shall be set forth in technical certificates.

21. In a declaration by the manufacturer of products’ conformity, one of the following modules shall be applied:

1) Module A (in-house production control) with application of the following procedure:

- testing by the assessment body of a certain type of products;
- testing by the manufacturer of a certain type of products;
- surveillance of the production control at the factory;

2) Module D (production quality assurance) with application of the following procedure:

- testing by the manufacturer of a certain type of products;
- surveillance of the production control at the factory;
- testing by the manufacturer of the product samples selected at the factory in accordance with the testing program;
- carrying out by the assessment body of the inspection and assessment of the production control system.

22. Certification of products by an assessment body shall be carried out using module B (inspection of a certain type of product) in combination with module D (proper production quality assurance), or module F (inspection of products), with the application of the following procedure:

1) surveillance of the production control at the factory;

2) testing by the assessment body of a certain type of product;

3) further testing by the manufacturer of the product samples selected at the factory in accordance with the testing program;

4) inspection by the assessment body of the production quality assurance system;

5) conduct by the assessment body of the on-going surveillance, analysis, and assessment of the production quality assurance system;

6) testing by the assessment body of the product samples selected at the factory, in the market, or at the construction site in accordance with the auditing program.

23. Upon drawing up the declaration of the products conformity or receiving the certificate of conformity, the manufacturer shall affix the national conformity mark on the product or on the attached tag, packing, or accompanying documents, in accordance with the rules for application of the national conformity mark, approved by the Resolution of the Cabinet of Ministers of

The declaration of the products conformity and the documents listed in paragraph 19, must be kept by the manufacturer during a period of 10 years after the use of the products in construction works, and must be presented for inspection in accordance with the procedure established by law.
DECLARATION
of Products Conformity

(full appellation of the manufacturer or the authorized person thereof)

in the person of ___________________________ (position, surname, first name and patronymic of the authorized person)

hereby affirms that the construction product ______________________________________________________,

manufactured according to ______________________________________________________________,

conforms with the Technical Regulation on Construction Products, Buildings, and Construction Works

according to ______________________________________________________________.

(name and designation of the normative documents (if any)

Technical documents for the construction product as provided for in the Technical Regulation, are available.

Report of testing carried out under supervision of ___________________________ (appellation

of the conformity assessment body appointed in accordance with the established procedure)

__________________________________________ No. ______ of ________________ 200_.

This declaration has been drawn up under total responsibility of the manufacturer (authorized person) or the

supplier.

Manager _______ (signature) _______ (initials and surname) _______ 200_.

(seal point)