

Mr. Paris Beausang
Architectural/Building Standards
Department of the Environment, Community and Local Government
Custom House
Dublin 1

By Email and Post

24 May 2012

Re: Draft Building Control (Amendment) Regulations 2012

Dear Mr. Beausang,

The Competition Authority is aware of the public consultation process inviting comments and submissions on the above draft regulations. As part of that process, we would like to make the following brief points:

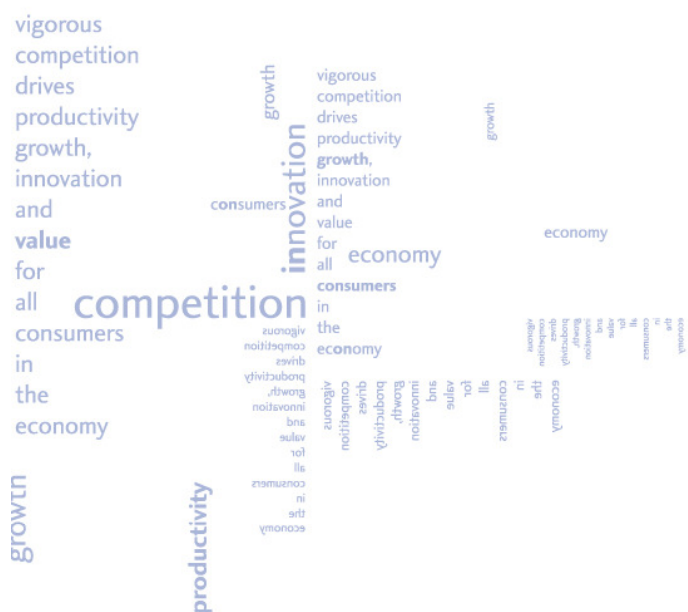
1. We have received a number of complaints about the draft regulations. While we have not had time to investigate these, some of these raise what may be valid concerns about the overall effectiveness of the proposed regulations and about the model of consumer protection envisaged. These concerns are (a) whether the proposed regulations would, in fact, afford proper protection to citizens, (b) whether the additional costs imposed by the proposed regulations are in proportion to any benefit they might bring, and (c) whether placing the onus for compliance on certain individuals involved in the construction process, rather than on an independent arm of the State, is appropriate. While these issues are not competition issues, they are important context for our subsequent points.
2. From a competition perspective, the fact that the individuals that would be eligible to inspect or certify building works are limited to three professions may raise concerns. The proposed regulations specify that only Registered Architects, Registered Building Surveyors and Chartered Engineers may inspect and certify works (Page 12 of the Draft Regulations, Notice of Assignment of Person to Inspect and Certify Works).
3. As a general principle, new legislation should not impose any unnecessary restrictions on the pool of people eligible to offer a service. The consultation document does not explain why these three professions were chosen. Chartered architectural technologists may also warrant consideration, and there may be other groups who can demonstrate the necessary levels of professional competence.

Due to time and resource constraints, we are not in a position to make a more considered detailed submission at this time. We would,

however, be happy to meet with you at any time to discuss the above points and the proposed regulations generally.

Yours sincerely,

Isolde Goggin
Chairperson



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