

UK Government's Technical Note for the Construction Sector

How to prepare if the UK leaves the EU with no deal

The UK government is establishing a mirror system to the EU's Construction Products Regulation which will sit alongside the current EU approach for placing construction products on the UK market.

Changes to be made to the EU system to fit the proposed UK approach and which will come into effect after 29 March 2019, will include:

- Harmonised European standards will become UK Designated standards
 - Immediately following exit, the UK essential characteristics appearing in the UK Designated standards will be the same as those in the EU harmonised standards
- UK Notified Bodies will become UK Approved Bodies after 29 March 2019 and will be listed in a new UK database
 - UK Approved Bodies will be able to assess construction products for the UK market against UK essential requirements which will be identical to the EU essential requirements
 - Any manufacturer exporting to the UK can use the UK conformity mark provided any third-party testing has been carried out by a UK recognised conformity assessment body
 - The UK will continue to recognise CE marked EU products provided they have been assessed by an EU Notified Body. This will be for a time limited period only. This period has not been stipulated.
- The CE marking will be replaced by a new UK conformity mark (still to be identified) for use in the UK domestic market only
 - Manufacturers will have to continue to use the CE marking for exports to the EU
 - Export products to the EU will continue to need approval from an EU Notified Body. UK Approved Bodies will no longer be legally eligible to undertake this activity for the EU market
 - EU imports will continue to use the CE marking for a time limited period only. The duration of this period has not been set
- The United Kingdom Accreditation Service will maintain its current role as the national accreditation body
- CE marking will remain legally enforceable for all EU construction products unless the manufacturer decides to follow the new UK system
- UK industry will initially have the option to use either the existing EU system or the new UK system for the UK domestic market
 - This will be for a time limited period only but no duration has been set
- Authorised Representatives:
 - After 29 March 2019, any UK Authorise Representative will no longer be recognised by the EU
 - Transitional arrangements will allow existing authorise representatives based in the EU to continue to be recognised in the UK for a time limited period yet to be defined.

- Any new Authorised Representatives appointed will have to be based in the UK to be recognised under UK law
- A UK manufacturer requiring an authorised representative to work in the EU will need to appoint an individual based in the EU
- The position regarding European Assessment Documents (EADs) and European Technical Assessments has still to be clarified
- Technical Assessment Bodies will become UK Technical Assessment Bodies
- It is proposed to continue the use of EADs provided EOTA gives permission
- A UK equivalent body to EOTA has yet to be named

Notwithstanding the fact that the EU CPR will become UK legislation under “Retained Law”, it is proposed to produce a UK version of the CPR. Changes in the text of the EU CPR will be mostly limited to substituting UK Approved standards for Harmonised European standards; reference to the CE mark will be replaced with the UK’s equivalent compliance mark, still to be identified, and similar functional alterations etc.

In addition, changes to the enforcement regulations empowering Trading Standards to continue their market surveillance work etc. will need to be made for legal reasons.

Delegated Acts to the CPR similarly kept as “Retained Law” may also require some legal alteration to fit the new legislation.

Mutual Recognition of non-harmonised products

After 29 March 2019, goods manufacture in the UK which are not harmonised under the CPR will no longer be recognised in the EU under the mutual recognition principle. Such companies will need to consider the national requirements of the first EU country they export to. They will not need to consider the national requirements of any EU country the goods travel through to be placed on the market.

UK companies who already export non-harmonised products to the EU by meeting the relevant national requirements will still be able to use the mutual recognition principle and market their product in other EU countries.

UK importers of non-harmonised goods will need to take action even if their products were previously marketed in another EU country.

The Government’s Technical Note can be viewed [here](#).

The information concerning Authorised Representatives can be viewed [here](#).

The information concerning mutual recognition can be viewed [here](#).

NB If a deal is signed with the EU, none of the above will be applicable.

Prepared by Duncan King of the Construction Products Association, 21st September 2018