

EU EXIT BUSINESS READINESS: CONFORMITY MARKING OF CONSTRUCTION PRODUCTS

This guidance provides advice and information on the following topics related to the conformity marking of construction products after the expiration of the transition period with the European Union (EU)

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Introduction to changes in conformity marking of construction products after 31 December 2020

Following the end of the EU exit transition period on 31/12/2020, there will be three different product marks that manufacturers, and others in the supply chain, may need to apply. The rules governing these marks will depend on where the product is intended to be used.

The three marks are:

- The EU's marking for product conformity (**CE marking**)
- The United Kingdom Conformity Assessed mark (**UKCA mark**)
- The United Kingdom Northern Ireland mark (**UK(NI) mark**), which is additional to the CE marking in some instances

In circumstances defined by the regulations in force in each jurisdiction, the manufacturer may be required to use the services of a conformity assessment body as part of the demonstration of conformity. These tasks are performed by organisations recognised within the specific jurisdiction:

- A **UK Approved Body** is designated by UK government for conformity assessment tasks required by regulations covering the GB market
- An **EU Notified Body** is designated by an EU Member State and recognised by the European Commission for conformity assessment tasks required by EU law, covering EEA countries and relevant law as adopted by the UK for the Northern Ireland market
- A **UK Notified Body** is designated by UK government by special dispensation under the Northern Ireland Protocol for UK conformity assessment bodies to provide conformity assessment for the CE marking for the Northern Ireland market only, provided it is accompanied by the UK(NI) marking).

Below are several scenarios that explain which legislation will apply to your product, what marking is needed and which conformity assessment body you may need to assess your product's compliance before placing it on the relevant market.

The UKCA and CE markings can be both used on a single product to claim conformity with the separate legal regimes. More information on the testing, standards, processes, and certification that underpins the regulatory regimes and the associated markings will be provided by the CLC, as separate guidance, in due course.

SECTION I: Conformity Marking of Construction Products from 1st January 2021

1. Products manufactured in Great Britain

Market Place	Conformity Marking	Notes
Products placed in Great Britain	UKCA	Commence marking 1/1/21; mandatory from 1/1/22. Self-assessment or, where required, conformity assessment by a UK Approved Body only.
	CE	Ends on 31/12/21, or earlier if UK or EU regulation changes. Self-assessment or, where required, conformity assessment by an EU Notified Body only.
Products placed in Northern Ireland	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK(NI)	Conformity assessment using a UK Notified Body.
	NOTE	If products are manufactured for the NI market that may also be sold in the EU , then the CE marking will be required for the EU market. Consideration should be given to whether it is worthwhile following the CE + UK(NI) route as well, because this would imply using both a UK Notified Body (for CE + UK(NI)) and an EU Notified Body (for CE). Guidance would need to be sought about whether a product could be placed on the EU market bearing both the CE marking and the CE + UK(NI) marking.
Products placed in the European Union	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.

2. Products manufactured in Northern Ireland

Market Place	Conformity Marking	Notes
Products placed in Great Britain	NI businesses (definition to be provided in government guidance) benefit from 'unfettered access' to the GB market and therefore any product legally placed on the NI market can be sold in GB:	
	<u>Goods manufactured to GB laws UKCA</u>	Self-assessment or, where required, conformity assessment by a UK Approved Body only.
	<u>Goods manufactured to specific laws referenced in the NI Protocol</u> CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK(NI)	Conformity assessment by a UK Notified Body.
Products placed in Northern Ireland	<u>Goods manufactured to specific rules in the NI Protocol</u>	
	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK(NI)	Conformity assessment by a UK Notified Body.
	NOTE	If products are manufactured for the NI market that may also be sold in the EU , then the CE marking will be required for the EU market. Consideration should be given to whether it is worthwhile following the CE + UK(NI) route as well, because

		this would imply using both a UK Notified Body (for CE + UK(NI)) and an EU Notified Body (for CE). Guidance would need to be sought about whether a product could be placed on the EU market bearing both the CE marking and the CE + UK(NI) marking.
Products placed in the European Union	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.

3. Products manufactured in the EU

Market Place	Conformity Marking	Notes
Products placed in Great Britain	UKCA	Can be applied from 1/1/21 onwards. Self-assessment or, where required, conformity assessment by a UK Approved Body only.
	CE	Recognition in GB of the CE marking will end on 1/1/22 (in most cases). Self-assessment or, where required, conformity assessment by an EU Notified Body only.
Products placed in Northern Ireland	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK(NI)	Third party conformity assessment by a UK Notified Body
	NOTE	If products are manufactured for the NI market that may also be sold in the EU , then the CE marking will be required for the EU market. Consideration should be given to whether it is worthwhile following the CE + UK(NI) route as well, because this would imply using both a UK Notified Body (for CE + UK(NI)) and an EU Notified Body (for CE). Guidance would need to be sought about whether a product could be placed on the EU market bearing both the CE marking and the CE + UK(NI) marking.
Products placed in the European Union	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.

SECTION II: Conformity Marking of Construction Products from 1st January 2022

After 31 December 2021, the main change to be aware of is that products manufactured to EU law and bearing the CE marking will no longer be legal to be placed on the market in the UK, unless they are legally placed on the NI market by an NI business and therefore benefit from 'unfettered access' to the rest of the UK.

1. Products manufactured in Great Britain

Market Place	Conformity Marking	Notes
Products placed in Great Britain	UKCA	Mandatory from 1/1/22 (for most regulations). Self-assessment or, where required, conformity assessment by a UK Approved Body only.
Products placed in Northern Ireland	CE CE + UK(NI) NOTE	Self-assessment or, where required, conformity assessment by an EU Notified Body only. Conformity assessment by a UK Notified Body. If products are manufactured for the NI market that may also be sold in the EU , then the CE marking will be required for the EU market. Consideration should be given to whether it is worthwhile following the CE + UK(NI) route as well, because this would imply using both a UK Notified Body (for CE + UK(NI)) and an EU Notified Body (for CE). Guidance would need to be sought about whether a product could be placed on the EU market bearing both the CE marking and the CE + UK(NI) marking.
Products placed in the European Union	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.

2. Products manufactured in Northern Ireland

Market Place	Conformity Marking	Notes
Products placed in Great Britain	NI businesses (definition to be provided in government guidance) benefit from 'unfettered access' to the GB market and therefore any product legally placed on the NI market can be sold in GB:	
	<u>Goods manufactured to GB rules</u> UKCA	Self-assessment or, where required, conformity assessment by a UK Approved Body only.
	<u>Goods manufactured to specific rules in the NI Protocol</u> CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK(NI)	Conformity assessment by a UK Notified Body.
Products placed in Northern Ireland	<u>Goods manufactured to specific rules in the NI Protocol</u>	
	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK(NI)	Conformity assessment by a UK Notified Body.
Products placed in the European Union	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.

3. Products manufactured in the EU

Market Place	Conformity Marking	Notes
Products placed in Great Britain	UKCA	Mandatory from 1/1/22 (for most regulations). Self-assessment or, where required, conformity assessment by a UK Approved Body only.
Products placed in Northern Ireland	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK(NI)	Conformity assessment by a UK Notified Body.
Products placed in the European Union	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.

Information correct as at 27 October 2020. This publication is for general information only and is provided as guidance to help business understand the regulatory regimes applicable as of 1 January 2021. It does not seek to give legal advice or to be an exhaustive statement of the law. Specific advice should always be sought for individual cases.

The Construction Leadership Council would like to thank the 30+ organisations who participated in the Standards and Alignment Workstream of the CLC's BREXIT Working Group. The Construction Leadership Council would like to expressly thank Peter Caplehorn (CPA) who chaired the workstream and Richard Collin (BSI), Louis Lyons (Build UK) and Duncan King (CPA) who co-ordinated the authorship of this guidance.

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