



Secretary of State for Department for Business, Energy and Industrial Strategy
Secretary of State for Department for Levelling Up, Housing and Communities

Via Email

26.10.22 Dear Secretaries of State

The Construction Products Regulations UK

On behalf of the Construction Leadership Council (CLC) we would like to congratulate you on your respective Cabinet appointments. We look forward to working closely with you. Since the CLC's establishment, we have enjoyed an open and productive relationship with both Departments and particularly the BEIS Construction team who have been invaluable during recent years.

One area of initial concern we would like to draw your attention to is the decision to move from CE to UK CA marking, effective from January 2023. The Construction Products Regulations UK (CPR) were adopted into the UK from the original EU regulations as part of the Brexit negotiations. These regulations are specific to construction products, with separate provisions and definitions from the wider product regulations used in the wider economy. The CA mark and transition arrangements from CE remains unclear and the UK testing capacity has not been able to scale up to meet the demands.

Not all products are affected but many of the most important to construction are, such as glues and sealants, glass, insulation, radiators and passive fire protection to name a few, which are all necessary to deliver the new homes, schools and hospitals the country needs.

Approximately 28% of products are imported and half of that from the EU and therefore these products are also affected. As a result, many global manufacturers now regard the UK as just too difficult to do business with, which has resulted in products being withdrawn – impacting on the UK's ability to deliver completed projects.

We have previously proposed a number of solutions that can be put in place for the short and medium term, while the complexities are considered and resolved in the longer term. Therefore, we urgently ask you to consider:

1. Suspend the implementation of UK CA marking for at least 2 years.
2. Establish a joint working party between Government and the Construction sector to plan a transition to the new arrangements.

Given the current business environment of significant material inflation, increased energy costs and uncertainty, we call for urgent action and intervention to assist the construction sector to remain resilient and deliver upon the current and future needs of the country.

We welcome the opportunity to discuss the above at your earliest convenience.

Yours sincerely,

Peter Caplehorn
CEO, Construction Products Association

Mark Reynolds
Co-Chair, Construction Leadership Council

Appendix – background information

Only products that have a harmonised standard (now designated standards in the UK) are covered by the CPR. The UK decided that to gain CA marking construction products with a harmonized /designated standard need to be retested and certified by a body in the UK. The same product is put through the same process to achieve a change from CE to CA at a cost of between several thousand to several hundred thousand pounds by a body in the UK. Some products require several tests.

There are currently about 440 such standards some will cover one product some many products.

In addition, there are an increasing number (approx. 400) of further and updated versions of standards held up in a dispute between the EU commission and CEN-CENLEC, (the standards body) that at some stage will need to be reflected in the UK designated standards list. This is important because these relate to updated standards that are needed to support the latest good practice but can only be unofficially 'recognised' at present.

There is relatively limited certification and testing capacity across the UK. The EU has around 770 facilities, the UK around 40. Not all such facilities can test all products. These facilities have come under pressure as the product sector has reacted to achieving CA marking. Manufacturers from further afield also need these facilities and are creating further demand as they try to achieve CA.

For many product groups there is no ability or very limited capacity to undertake this retesting and certification in the UK.

The EU has a mature well organised certification and testing environment led by EOTA (European Organisation for Testing Assessment). Standard approaches and guidance documents are organised through this network. The UK bodies have been slow to come together, and leadership is desperately needed. So far, the UK has not provided any similar support. As a result, over the 2 plus years this has been an issue very little progress has been achieved and no substantial increasing testing or certification capacity in the UK has been created.

In parallel with the CA mark there has been several challenges converting to UK REACH (the chemicals assessment process). Delays and reviews continue with significant costs to UK industry and the potential for shortages in many chemicals causing production delays. Again, another factor holding back growth and investment.

An easement was issued in the summer allowing existing products (subject to system 3) having a current CE mark and related certification to gain CA status. This has reduced the potential impact for now. Unfortunately, this does not cover new products nor changes to existing products that still remain an issue after the deadline at the end of this year.

There is a risk that the UK in creating its own standards this will further restrict our market resulting in further shortages, delays and increased inflation.