



Ministry of Housing,
Communities &
Local Government

Construction Products Regulation

UKCA marking – beyond the CE mark



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- On 1st January 2021, our EU Exit legislation for construction products came into force in Great Britain and Northern Ireland.
- Current UK CPR guidance is provided on gov.uk: <https://www.gov.uk/guidance/construction-products-regulation-in-great-britain>
- UK notified bodies became UK approved bodies listed on UKMCAB : <https://www.gov.uk/uk-market-conformity-assessment-bodies>
- Current harmonised European standards for construction products became UK designated standards. Currently the same standards as listed in OJEU. <https://www.gov.uk/guidance/designated-standards>
- Existing responsibilities to mark, declare performance (DoP) and put in place assessment and verification of performance remain in place
- Northern Ireland will continue to follow EU CPR rules, including CE marking and EU harmonised standards.

End of the transition period



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Ending the recognition of CE marking from 2022



- However, continued recognition of CE marking in GB is a temporary measure
- We intend to bring forward legislation this year that will end recognition of CE marking in Great Britain from 1st January 2022



Placing a product on the market in GB

Businesses must prepare for the end of recognition of the CE mark in GB and affix the UK marking using a UK-recognised 'approved body' from 1 January 2022.

Products that are already on the market with a valid CE mark can circulate until they reach their end user in the UK or EU.

Until 31 Dec 2021, in GB both the UK marking and the CE marking will be recognised.

Manufacturers will either need to:

- affix the UK marking using a UK-recognised 'approved body', or
- affix the CE marking with UK(NI) indication using a UK-recognised 'approved body', or
- affix the CE marking using an EU-recognised 'notified body'.

Where no third-party conformity assessment is required (AVCP system 4) the manufacturer can choose whether to affix the UK marking or the CE marking, provided that the underlying requirements are met.

Our understanding of the EU Commission's position is that type test reports issued by UK notified bodies will no longer be valid for the EU market from 1 January 2021. Test type reports issued by UK Notified Bodies will continue to be valid for the GB market, and will allow you to affix the UKCA marking. The UK's current position is that it is down to individual UK bodies to decide whether or not to accept EU-issued type test reports to enable UKCA marking, and ultimately whether or not retesting is required. However, National Accreditation Bodies have stated that under normal circumstances test reports cannot be 'rebadged' unless the CAB has been involved in part testing of the product.

Labelling

Construction products regulation already allows operators to affix the appropriate mark on packaging or accompanying documentation where it is not possible or warranted to fix the mark directly onto the product, and we know many operators already take advantage of this

We expect operators to continue to make use of this ability to affix marks on packaging or documentation, including using sticky labels





Economic operators

Distributors/Importers

Operators formerly defined as distributors will now be considered to be importers if they are bringing construction products into the UK from the EU, and are required to comply with additional importer requirements

There will be a requirement:

- for importers to label their products with their name and address
- to ensure that the assessment and verification of constancy of performance (AVCP) requirements has been carried out by the manufacturer
- that the product bears the conformity marking
- that the manufacturer has complied with their labelling obligations.

In addition, importers must not place products on the GB market if they have reason to believe that the product does not comply with the applicable requirements of the UK Construction Products Regulations.

Authorised representatives

To minimise disruption after 31 December 2020, where a manufacturer has issued a written mandate to an existing authorised representative based in an EU country, that authorised representative will continue to be recognised in the UK until 1 January 2022.

However, new authorised representatives will need to be established in the UK to be recognised under UK law after this date.





UKCA MARKING AND LABELLING

As was the case for the CE label, the UKCA label must contain the following information:

- UKCA symbol
- last two digits of the year in which this specific UKCA marking was affixed
- name and address of the manufacturer (or their identifying mark)
- unique ID code of the product type
- reference number of the DoP
- declared performance of the product
- reference to the UK designated standard or UK Assessment Document
- identification number of the UK Approved Body
- intended use(s) of the product
- website where the DoP can be found

It must be affixed visibly, legibly and indelibly to the product. However, where this is not possible or not warranted, it can be affixed to the packaging or to the accompanying documents.

The image shows the UKCA marking logo in a large, bold, black, sans-serif font. The letters 'U' and 'K' are on the top line, and 'C' and 'A' are on the bottom line. The 'U' and 'C' are rounded at the bottom, while the 'K' and 'A' have a more angular, modern design.



Voluntary marking

UK
CA

- Our EU Exit 2019 regulations retain the option for businesses to have a UK Assessment Document drawn up and a UK Technical Assessment made for their product
- CE marked construction products using existing EU Technical Assessments assessed by EU technical assessment bodies can continue to use this until recognition of CE marking ends on 1st January 2022
- Existing EU Technical Assessments can be used as a basis for a UK Technical Assessment, provided the UK technical assessment body has obtained any necessary consent to do so from the European Organisation for Technical Assessment (EOTA)



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Accepted markings for the GB market

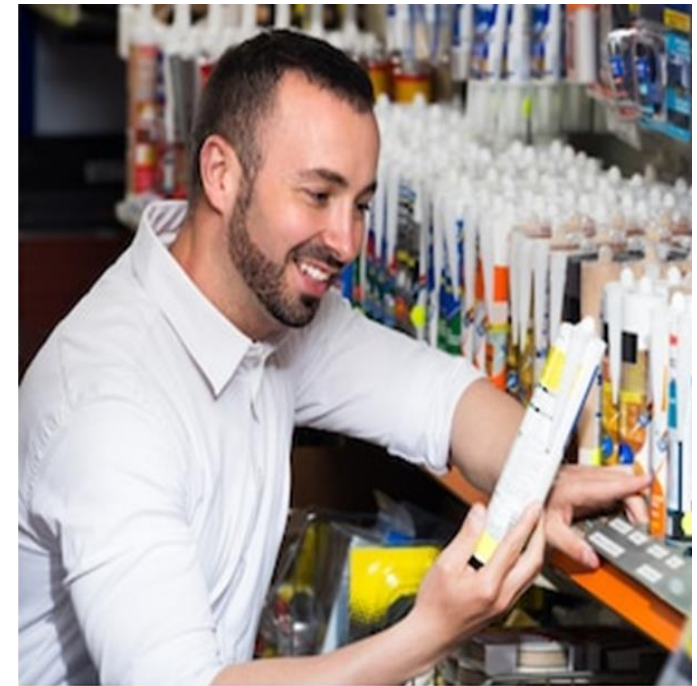
Your goods may require different markings for different markets. The table below illustrates the accepted markings for the GB market.

*You may use combinations of the product markings listed in each box and your goods may be acceptable with more than one marking. This is the UK’s position and it will be for the EU to determine the arrangements that apply for placing goods on the EU market.

	Placing construction products on the GB market	Placing construction products on the NI market
1 January 2021 - 1 January 2022	UKCA marking supported by UK Approved Body OR CE UK(NI) marking supported by UK Approved Body OR CE marking supported by EU Notified Body	CE UK(NI) marking supported by UK Approved Body OR CE marking supported by EU Notified Body
After 1 January 2022	UKCA marking supported by UK Approved Body OR Qualifying NI goods*	CE UK(NI) marking supported by UK Approved Body OR CE marking supported by EU Notified Body

* Qualifying NI goods are defined in [legislation](#). Our intention is to legislate for NI-processed construction products - including those with CE or CE UK(NI) markings - to continue be recognised on the GB market from 1 January 2022.

TO SUMMARISE



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Building Safety Bill

- To ensure that all construction products are covered by a regulatory regime, we are proposing to:
- **Maintain** the current CPR approach for products with existing harmonized standards;
- **Introduce** similar requirements for ‘safety critical’ products;
- **Require** other construction products to be safe.
- **Establish** a new national construction products regulatory role
- Schedule 8 on the Construction Products Regulations in the draft Building Safety Bill.



- Paragraphs 7-10 create new powers to put in place regulations for ‘safety critical products’
- ‘Safety critical products’ are defined as products where ‘any failure of the product would risk causing death or serious injury to any person’.
- The scope of regulations for these products cross refers to the scope of regulations for products with designated standards – we expect regulatory requirements to be basically the same
- Paragraphs 11 and 12 try to address our concern that not all construction products will fall under regulation.
- They create powers to regulate products that do not have a designated standard, which haven’t been regulated as a ‘safety critical product’ or that does not have a UK technical assessment
- These products will be required to ‘be safe’ – in a similar way to consumer products
- A construction product is a ‘safe product’ if, under normal conditions of use (including duration of use and any conditions relating to installation or maintenance), and taking into account any packaging, warnings or information with which it is supplied— (a) the product does not present any risk to the health or safety of persons, or (b) if it does, the risk is as low as it can be compatibly with using the product at all.



- Manufacturers will be required to consider the risks associated with the reasonable use of the product, minimise those risks and provide information about any remaining risk
- This is different from the standards based approach being proposed for products with designated standards and 'safety critical products'
- Key advantages:
 - Doesn't require lengthy standard setting
 - Safety focused approach

Marketing of construction products by Industry

- New Code for construction products information: Code for Construction Product Information (CCPI): <https://buildingsafely.co.uk/>



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National Construction Products Regulator (NCPR) and Building Safety Regulator (BSR) areas of responsibilities

The general roles of two bodies can be understood as:

- NCPR responsibilities will solely be concerned around the manufacturing and marketing of a construction product. Office of Product Safety and Standards (OPSS) taking on the role of regulator from April 2022.
- Once the product is installed as part of a wider system in a building, Building safety checks for high-rise buildings fall on the BSR, and other dwellings to Building Control Bodies, but ultimately it is the owner who takes on the responsibility of meeting building regulations requirements. Regulator already set up in Health and Safety Executive (HSE).

There will be a requirement for information sharing between the NRCP and BSR regulators.

Construction products	Building construction
Construction products covered by harmonised European standards/designated standards, safety critical products and products covered by a general safety requirement	high rise buildings over 18 meters, and other buildings covered by the Building regulations.
Economic operators (manufacturers authorised representatives, importers and distributors)	Designer/ Constructor/ Building owner
Current Enforcement: local authority Trading Standards and NI District Offices	Current Enforcement : LABC, Approved inspectors, Competent Persons Schemes
NCPR for all construction products	BSR for high rise buildings
Enforcement issues to be dealt by LA Trading standards and if required passed onto NCPR	Enforcement issues dealt by LA Building Control Bodies



Enforcement powers

We will enable use of the existing powers held by the Secretary of State to cover more products ((1) Issue a prohibition notice; (2) issue a notice to warn; (3) a notice to request information records, and extend enforcement powers held by Trading Standards to the Secretary of State (below) and will create powers to enforce the duties on economic operators.

- Suspension notices;
- Forfeiture of construction products, including to seize and detain;
- Powers to make test purchases to check for non-compliance:
- Powers of search
- Extending the Secretary of State's powers to enforce against additional categories of products in scope of regulations.
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Offences and Penalties

The regulations will also set out a number of offences and penalties for breaches, which will mirror those set out in the Construction Products Regulations 2013 and are intended to extend to the Secretary of State for all products within scope of new legislation. The Regulator will therefore be able to prosecute offenders, including taking court action.



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Thank you for listening