



The Industry View
CPE Brexit Webinar
23rd Feb 2021

Andrew Taylor – Technical Officer EAPFP

The Industry View



- Start with the Positive!
- Areas where we see future challenges
 - Testing and Assessment
 - Conformity Assessment / Certification
 - Chemical Regulations (REACH)
- Areas of uncertainty
 - Market Surveillance actions
- Regulatory changes (in UK or EU)
- One solution
 - Mutual Recognition





Who are EAPFP?

The EAPFP is an umbrella organisation, originally formed in 1988 to act as the European voice on behalf of national associations representing manufacturers, contractors and other institutions involved in passive fire protection

The EAPFP represents:

- 18 member organisations
- Located in 14 countries
- Represents almost 2,000 individual members
- A co-operation agreement with ECEUFIRE widens reach to East-Central Europe



Brexit – let's start with a positive....!

- BSI confirmed a member of CEN until at least Dec 2021
- BSI wishes to remain a full member of CEN
- UK Industry therefore will continue to use BS EN Standards where they exist, and continue to develop standards together with CEN
- This is an important foundation for how we work together
- Not a source of divergence



Future Challenges – Testing and Assessment



- Big question – will UK / EU accept testing done in each others labs.
 - For AVCP Level 1 – “Up to Conformity assessment bodies”
 - Historical evidence OK, some not accepting new (2021 test) evidence
 - For AVCP Level 3 “**No**”.
- Double test?? – extra cost and time.
- Labs still under control of EA members (incl UKAS)
- Protocols still under ISO17025 standard





Future Challenges – Conformity Assessment

- UK and EU will not accept each others conformity assessment.
 - CE and UKCA systems are clear
 - If you have a hEN/ dBS, then process is clear
 - EOTA removed certificates from UK TABs
 - Simplified transfer process underway
 - UK equivalent of EOTA route still in development
- Double CA – extra cost and time.
- Need to ensure test standards remain aligned – if testing once can be accepted
- Conformity Assessment Body accreditation by EA members (incl UKAS)
- Protocols still under ISO17065 standard

		Goods Produced in UK or EU		
		Conformity Mark		
		CE	UKCA	UK(NI)
Market	GB	Valid method of indicating conformity to 1/1/22, can be carried on product thereafter	Valid method of indicating conformity from 1/1/21, sole acceptable mark from 1/1/22	Not suitable for indicating conformity in GB, but could be carried on product
	NI	Acceptable mark for indicating conformity	Not suitable for indicating conformity in NI, but can be carried on product	Acceptable mark for indicating conformity if in conjunction with a UK based CE mark
	EU	Sole acceptable mark for indicating conformity	Not suitable for indicating conformity in EU, but can be carried on product as not a member state / not providing similar function	Can not be carried

Future Challenges – Chemical Regulations



- UK has set up a mirror of EU's REACH Regulation
- All existing substances registrations are recognised in UK

- OK for now, but.....
 - Will UK mirror EU in future?
 - UK does not have membership of ECHA / access to ECHA databases.
 - Full registrations needed in UK, even for existing substances!
 - Will Raw Material Manufacturers pay UK and EU registration costs?
 - Has a new UK start up regulator got the necessary personnel?

- A future source of divergence?





Area of Uncertainty – Market Surveillance

- Market surveillance under CPR has never been particularly successful
 - Subject too complex
- Key question...
 - Will anyone notice if manufacturers are using “now discredited” test data?
- Risks maybe too high a price to pay for most
- Manufacturers would like legal certainty backed up by enforcement.



Future Regulatory Changes – Divergence?

- EU CPR review ongoing for years.....
- What will happen in UK when this is completed?

Meanwhile

- UK Building Safety Bill will include mandatory quality system for products deemed “Safety Critical”.
- New Construction products scheme.
- This could cause a divergence.



The Solution – Mutual Recognition?



- UK requested Mutual recognition during negotiation.
- Still on UK Government “to-do” list.
- Would get round some of these issues
- Not sure if this will ever come into being
- I would not base a business strategy on the possibility of mutual recognition



Summary



- There are a number of challenges for PFP manufacturers
 - Testing and Assessment
 - Conformity Assessment / Certification
 - Chemical Regulations (REACH)
- Should we plan for a Mutual Recognition Agreement?
- Or should we be testing twice?
- Does Market Surveillance have the ability to react?
- Will UK or EU regulatory changes cause divergence?

