

# **UK Conformity Assessment Changes Construction Product Manufacturers have to undertake from 1<sup>st</sup> January 2021**

## **Manufacturers in Great Britain for the GB Market from 1<sup>st</sup> January 2021**

### **A) If using a UK Notified Body for conformity assessment**

1. Check the rules which apply to your business
  - You will now be using the UK CPR - Statutory Instrument No. 465 The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 and its amendments in Statutory Instrument No. 1359/2020
  - Manufacturers will be adhering to UK Designated standards not harmonised European standards cited in the OJEU even though the requirements will initially be the same
  - Conformity assessment will be undertaken by a UK Approved Body
  - The Approved Body will keep the same 4-digit identification number they originally had
  - Manufacturers can continue to use this number on their Declarations of Performance
  - Manufacturers will need to check that their Declarations of Performance and the UKCA marking meet the new rules when referencing UK standards
2. Check if you need to change your conformity assessment and marking
  - Manufacturers will need to apply the UKCA marking to products newly produced
  - Use of the UKCA marking will apply if:
    - The construction product requires mandatory third-party conformity assessment
    - Conformity assessment has been carried out by a UK conformity assessment body
    - You have not transferred your conformity assessment from a UK body to an EU recognized body before 1 January 2021
  - From 1 January 2022 only the UKCA marking will be recognized. (CE marking will no longer be recognized.)
  - Those who carry out self-declaration of conformity will have to follow the same rules
  - These same rules apply if a UK Technical Assessment Body is being used.
3. Check what you need to do about existing stock

- Existing stock already fully manufactured and ready to be placed on the market before 1<sup>st</sup> January 2021 does not need to use the UKCA marking, these products can be placed on the GB market with the CE marking.
- Physical placing on the market is satisfied when a written or verbal agreement (or an offer of an agreement) to transfer ownership or possession or other rights in the product. This does not require physical transfer of the product.
- These concession ends on 31 December 2021

## **B) If using an EU Notified Body for conformity assessment**

### **1. Check the rules which apply to your business**

- You will be now using the UK CPR - Statutory Instrument No. 465 The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 and its amendments in Statutory Instrument No. 1359/2020
- You will need to change to affixing the UKCA marking
- This will require you to use a UK Approved Body only
- Manufacturers will be adhering to UK Designated Standards not harmonised European standards cited in the OJEU even though the requirements will initially be the same
- While the CE marking will be accepted in the UK until 1 January 2022, thereafter the UKCA marking becomes mandatory from this date

### **2. Your conformity assessment body has changed so a new identification number will be issued**

- A new Declaration of Performance will have to be produced showing this new identification number
- The reference number on the Declaration of Performance has changed so amendments will need to be made to the CE marking as well

### **3. Check what you need to do about existing stock**

- Existing stock already fully manufactured and ready to be placed on the market before 1<sup>st</sup> January 2021 does not need to use the UKCA marking, these products can be placed on the GB market with the CE marking.
- Physical placing on the market is satisfied when a written or verbal agreement (or an offer of an agreement) to transfer ownership or possession or other rights in the product. This does not require physical transfer of the product.
- These concession ends on 31 December 2021.

### C) New Conformity markings

Conformity Marking	Notes
UKCA	Commence marking on 1 <sup>st</sup> January 2021 Mandatory from 1 <sup>st</sup> January 2022 Self- assessment or where required conformity assessment is by a UK Approved Body only
CE	Ends on 31 <sup>st</sup> December 2021 or earlier if UK or EU regulations change Self-assessment or where required conformity assessment by an EU Notified Body only (If a UK Notified Body has been used prior to the end of the Transition period, then either this must be transferred to an EU Notified Body or the UKCA marking regime will apply from 1 <sup>st</sup> January 2021.)

## Manufacturers in Great Britain selling into the Northern Ireland Market from 1<sup>st</sup> January 2021

### I. New rules apply

- You will now be primarily using the UK CPR - Statutory Instrument No. 465 The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 and its amendments in Statutory Instrument No. 1359/2020 covering Northern Ireland
- The Northern Ireland Protocol takes effect at 11.00pm on 31<sup>st</sup> December 2020
- This means that Northern Ireland will align with all relevant EU rules relating to the placing of manufactured products on the market
- Products will need to meet the requirements of harmonised European standards cited in the OJEU
- UK Approved Bodies designated by the UKAS will be classed as UK Notified Bodies for the Northern Ireland market and are allowed to assess the performance of construction products to harmonised European standards cited in the OJEU enabling the affixing to the combined CE and UKNI marking
- The Protocol provides for a new UKNI conformity marking if a UK Notified Body is used for conformity assessment

- This UKNI is an additional marking for products placed on the Northern Ireland market
  - This is to be used in conjunction with the CE marking
  - The combined CE and UKNI marking is require if the mandatory third-party conformity assessment has been undertaken by a body based in the UK
  - The UKNI marking cannot be used on its own, it must always accompany the CE marking
  - The UKCA marking will not be recognised in Northern Ireland
  - Manufacturers will need use the 4-digit identification number of their UK Notified Body on their Declaration of Performance
  - All the same rules apply if a UK Technical Assessment Body is used.
2. Issue a new Declaration of Performance
- This will need to refer to harmonised European standards cited in the OJEU and not UK Designated standards
  - Similarly, the CE marking will have to reflect these same changes

3. Conformity assessment markings

Conformity Marking	Notes
Combined CE and UKNI CE	Conformity assessment using a UK Notified Body  Self-assessment or where required conformity assessment by an EU Notified Body only.  NB: 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 worth following the combined CE and UKNI route as well because this would imply using both a UK Notified Body (for combined CE and UKNI) 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 CE marking and the combined CE and UKNI marking.

## Manufacturers in Great Britain selling into the EU market from 1<sup>st</sup> January 2021

- I. New rules apply
  - You will need to use the EU CPR - Regulation (EU) No. 305/2011
  - Conformity assessment will be by an EU Notified Body
  - You will need to draw up a Declaration of Performance referencing the EU CPR (Regulation (EU) No. 305/2011) and harmonised European standards cited in the OJEU
2. Conformity assessment marking
  - You will have to use the CE marking
  - The CE marking must also reference harmonised European standards cited in the OJEU
  - Such products CE marked cannot be placed on the GB market

Conformity Marking	Notes
CE	Self-assessment or where required, conformity assessment by an EU Notified Body only.

## Manufacturers in Northern Ireland selling into the GB Market from 1<sup>st</sup> January 2021

- I. New rules apply:
  - You will now be primarily using the UK CPR - Statutory Instrument No. 465 The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 and its amendments in Statutory Instrument No. 1359/2020 covering Northern Ireland
  - The Northern Ireland Protocol takes effect at 11.00pm on 31<sup>st</sup> December 2020
  - The Protocol allows Northern Ireland to align with all relevant EU rules relating to the placement of manufactured products on the market
  - The Northern Ireland Protocol guarantees unfettered access for Northern Ireland manufacturers to the whole of the UK market without the need for additional approvals
  - GB will recognize all construction products that meet either EU or Northern Ireland rules until 1<sup>st</sup> January 2022
    - Products can be assessed using either GB laws or as products manufactured to specific laws referenced in the Northern Ireland Protocol

- A UK or an EU Notified Body can undertake conformity assessment
- The Northern Ireland Protocol enables UK Approved Bodies to act as UK Notified Bodies in Northern Ireland only
- These same rules apply if a UK Technical Assessment Body has been used.

2. Choice of EU or UK location for Notified Body used

- You can choose to use either a UK Notified Body or an EU Notified Body
- If using an EU Notified Body only the CE marking can be affixed to the product
- If using a UK Notified Body the combined CE and UKNI marking has to be affixed to the product

3. Conformity assessment markings

Conformity Marking	Notes
<p>NI manufactures supplying qualifying products benefit from 'unfettered access' to the GB market. Any product legally placed by them on the NI market can be sold in GB.</p> <p><u>Products manufactured to GB laws</u> UKCA</p> <p><u>Products manufactured to specific laws referenced in the NI Protocol</u> CE</p> <p>CE and UKNI</p>	<p>Self-assessment or where required conformity assessment by a UK Approved Body only</p> <p>Self-assessment or where required conformity assessment by an EU Notified Body only. (If a UK Notified Body has been used prior to the end of the Transition Period, then either this must be transferred to an EU Notified Body or the CE and UKNI marking regime will apply from 1<sup>st</sup> January 2021.</p> <p>Conformity assessment by a UK Notified Body</p>

## **Manufactures in Northern Ireland selling into the NI Market from 1<sup>st</sup> January 2021**

### **A) If using a UK Notified Body for conformity assessment**

#### I. New rules will apply

- You will now be using the UK CPR - Statutory Instrument No. 465 The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 and its amendments in Statutory Instrument No. 1359/2020 covering Northern Ireland
- The Northern Ireland Protocol takes effect at 11.00pm on 31<sup>st</sup> December 2020
- The Protocol allows Northern Ireland to align with all relevant EU rules relating to the placement of manufactured products on the market
- You will need to draw up a Declaration of Performance
- You will need to affix the combined CE and UKNI marking to show products meet the requirements of both the UK CPR and the EU CPR if using a UK Notified Body (The UKCA mark will not be recognized on the Northern Ireland market.)
- The combined CE and UKNI marking needs to be used if:
  - You are placing products subject to CE marking on the Northern Ireland market
  - The products require mandatory third party conformity assessment
  - A UK body is used to undertake the conformity assessment
- If you have undertaken self-certification of your own products before 1<sup>st</sup> January 2021 you do not need to make any changes
- These same rules apply if using a UK Technical Assessment Body.

### **B) If using an EU Notified Body for conformity assessment**

#### I. Continue using the same rules as before

- You will be working to the EU CPR - Regulation (EU) No. 305/2011
- You will need to draw up a Declaration of Performance
- You will need to use only the CE mark to show products meet the requirements of the EU CPR - Regulation (EU) No. 305/2011
- If you have undertaken self-certification of your own products before 1<sup>st</sup> January 2021 you do not need to make any changes.

### C) Conformity assessment markings

Conformity Marking	Notes
<u>Goods manufactured to specific rules in the Northern Ireland Protocol</u>  CE and UKNI  CE	Conformity assessment by a UK Notified Body  Self-assessment or where required, conformity assessment by an EU Notified Body only  NB: If products are manufactured for the NI market that may also be sold in the EU then the CE marking on its own will be required for the EU market. Consideration should also be given to whether it is worth following the combined CE and UKNI route as well because this would imply using both a UK Notified Body (for CE and UKNI) 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 combined CE and UKNI marking.)

### Manufactures in Northern Ireland selling into the EU Market from 1<sup>st</sup> January 2021

1. You will continue using the same rules as before

- You will need to use the EU CPR - Regulation (EU) No. 305/2011
- Conformity assessment will be by an EU Notified Body
- You will need to draw up a Declaration of Performance
- You will have to use the CE marking

2. Conformity assessment marking

Conformity Marking	Notes
CE only	Self-assessment or where required conformity assessment by an EU Notified Body