

Press release: Continuity of requirements under the Construction Products Regulation when the UK leaves the European Union



The government has today (18 December 2018) laid a statutory instrument to ensure a functioning Construction Products Regulation (CPR) regime when the UK leaves the European Union. These changes are necessary to reflect that the UK will no longer be an EU member state from 29 March 2019.

This statutory instrument delivers the policy approach set out in the technical notice that was published on 13 September 2018. These arrangements will apply in the event that the UK exits the European Union without a deal in March 2019. We do not want or expect a no deal scenario, however it is the duty of a responsible government to prepare for every eventuality including the possibility of no deal.

The UK regime will maintain the requirement on manufacturers to declare the performance of their construction product, in accordance with product standards, when the product is placed on the UK market. The key elements of this legislation are as follows:

- Construction products already placed on the market will be able to continue to circulate in the UK.
- Existing European harmonised standards will become UK 'designated standards'. This will mean that immediately following exit day the UK and EU standards will be the same. Thereafter, new UK standards will be designated by the Secretary of State.
- Where a UK body has undertaken the third-party conformity assessment processes required under the UK 'designated standard', the manufacturer must affix a new UK mark. Further, construction products that meet the harmonised European standard and are affixed with a 'CE' mark, can

continue to be placed on the UK market without the need for re-testing or additional marking. This approach is intended to minimise disruption in the availability of goods on the UK market. The intention is that these arrangements will be for a time-limited period, and businesses will be given sufficient notice in advance of this period coming to an end.

- Where the product marking is affixed on the basis of self-declaration, then during the time-limited period the manufacturer will have the choice to use either the UK or CE mark (or both).
- For products that are not fully covered by a designated standard, there will be an optional route available to enable products to be UK marked.

This approach will ensure that the Construction Products Regulation regime continues to operate effectively in the UK after we have left the European Union and will provide legal certainty in the event of no deal.

This legislation is subject to the affirmative parliamentary procedure. It must be debated and approved by both Houses before it can be made (signed into law) and brought into effect as law.

The UK will leave the EU at 11pm on 29 March 2019.

Published 18 December 2018