

BCCA BREXIT INFORMATION

Date : March 2021

Concerned: Effect of Brexit

The United Kingdom has left the EU Single Market and Customs Union

Since 1 January 2021, the United Kingdom left the EU Single Market and Customs Union.

As a result, the United Kingdom will no longer benefit from the principle of free movement of goods in the EU Single Market.

Even with the new EU-UK Trade and Cooperation Agreement in place, manufacturers will face new trade barriers.

Under the terms of the Withdrawal Agreement, goods lawfully placed on the EU market before the end of the transition period (31 December 2020) can continue to circulate until they reach their end user, whether they are in the UK or the EU, provided that these products:

- are covered by a harmonised European standard, which is the same as a UK designated standard (see below)
- are affixed with CE marking
- are accompanied by a manufacturer's declaration of performance
- have been assessed by an EU-recognised notified body, in cases where third party assessment is required.

In the United Kingdom, the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 apply. The UK regulations strongly resemble Regulation (EU) 305/2011 (CPR), but apply for the UK internal market.

→ [Consult the Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2020 \[The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)\]](#)

For the UK, all existing harmonised European standards have become UK 'designated standards'. This will mean that immediately after the end of the transition period (31 December 2020) harmonised European standards and UK designated standards will be identical. If regulatory requirements change, differences will appear in standards. As far as we have been able to check, these standards correspond with the most recent list of EU harmonised standards.

→ [Consult the list of UK designated standards, published on 18 December 2020 \[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946196/ds-0035-21-construction-products-notice.pdf\]](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946196/ds-0035-21-construction-products-notice.pdf)

For construction product manufacturers, it is important to be able to predict what will happen with product standards. Will the UK start developing its own standards or will the UK continue to use European standards and for how long. The EU-UK Trade deal does not provide this kind of detail, so this is something that will be addressed later.

Consequences of the UK leaving the EU Single market and Customs Union for the conformity marking of construction products

Following the end of the transition period on 31/12/2020, there will be three different product marks that manufacturers, and others in the supply chain, may need to apply. The rules governing these marks will depend on where the product is intended to be used.

These three marks are:

- The EU's **CE-marking**
- The United Kingdom Conformity Assessed mark (**UKCA mark**)
- The United Kingdom Northern Ireland mark (**UKNI mark**), which is additional to the CE marking in some instances

In circumstances defined by the regulations in force in each jurisdiction, manufacturers may be required to use the services of a conformity assessment body as part of the demonstration of conformity.

These tasks are performed by organisations recognised within the specific jurisdiction:

- A **UK Approved Body** is designated by UK government for conformity assessment tasks required by regulations covering the Great-Britain (England, Scotland and Wales) market
- An **EU Notified Body** is designated by an EU Member State and recognised by the European Commission for conformity assessment tasks required by Regulation (EU) N° 305/2011 (Construction Products Regulation), covering EEA countries and relevant law as adopted by the UK for the Northern Ireland market
- A **UK Notified Body** is designated by the UK government by special dispensation under the Northern Ireland Protocol for UK conformity assessment bodies to provide conformity assessment for the CE marking for the Northern Ireland market only, provided it is accompanied by the UKNI marking).

Although we have done our utmost to ensure that this information is correct and up-to-date, it does not seek to give legal advice or to be an exhaustive reproduction of the law. We strongly recommend readers to refer to the legal acts, which always prevail over the information that we are able to offer.

BCCA is in close contact with its UK colleagues to ensure that BCCA is able to help manufacturers continuing to place products on the EU and UK market.

Several scenarios explaining which legislation will apply to your product, what marking is needed and which conformity assessment body you may need to assess your product, before placing it on the relevant market.

Overview: Conformity Marking of Construction Products from 1 January 2021

1. Products manufactured in the European Union

Market Place	Conformity Marking	Notes
Products placed on the market in the European Union	CE	No change: Self-assessment or, where required, conformity assessment by an EU Notified Body only.
Products placed on the market in Great Britain	UK CA	Marking possible from: 1/1/21; Marking mandatory from : 1/1/22. Self-assessment or, where required, conformity assessment by a UK Approved Body only.
	CE	Marking ends on 31/12/21, or earlier if UK or EU regulation changes*. Self-assessment or, where required, conformity assessment by an EU Notified Body only
Products placed on the market in Northern Ireland	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK NI	Conformity assessment using a UK Notified Body
	Note	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 worthwhile following the CE + UKNI route as well, because this would imply using both a UK Notified Body (for CE + 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 CE + UKNI marking.
* Given that legal requirements have been specified in standards and that standards used in the EU and those used in the UK may start to change after 31/12/2020, manufacturers need to be vigilant with regards to new or amended standards		

2. Products manufactured in Great Britain (England, Scotland and Wales)

Market Place	Conformity Marking	Notes
Products placed on the market in the European Union	CE	No change: Self-assessment or, where required, conformity assessment by an EU Notified Body only.
Products placed on the market in Great Britain	UK CA	Marking possible from: 1/1/21; Marking mandatory from : 1/1/22. Self-assessment or, where required, conformity assessment by a UK Approved Body only.
	CE	Marking ends on 31/12/21, or earlier if UK or EU regulation changes*. Self-assessment or, where required, conformity assessment by an EU Notified Body only
Products placed on the market in Northern Ireland	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK NI	Conformity assessment using a UK Notified Body
	Note	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 worthwhile following the CE + UKNI route as well, because this would imply using both a UK Notified Body (for CE + 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 CE + UKNI marking.
* Given that legal requirements have been specified in standards and that standards used in the EU and those used in the UK may start to change after 31/12/2020, manufacturers need to be vigilant with regards to new or amended standards		

3. Products manufactured in Northern Ireland

Market Place	Conformity Marking	Notes
Products placed on the market in the European Union	CE	No change: Self-assessment or, where required, conformity assessment by an EU Notified Body only.
Products placed on the market in Great Britain	NI businesses (definition to be provided in government guidance) benefit from 'unfettered access' to the GB market and therefore any product legally placed on the NI market can be sold in Great Britain:	
	Goods manufactured to GB laws UK CA	Self-assessment or, where required, conformity assessment by a UK Approved Body only
	Goods manufactured to specific laws referenced in the NI Protocol CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK NI	Conformity assessment by a UK Notified Body
Products placed on the market in Northern Ireland	Goods manufactured to specific rules in the NI Protocol:	
	CE	Self-assessment or, where required, conformity assessment by an EU Notified Body only.
	CE + UK NI	Conformity assessment by a UK Notified Body
	Note	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 worthwhile following the CE + UKNI route as well, because this would imply using both a UK Notified Body (for CE + 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 CE + UKNI marking.