

## Construction product sector pauses for breath with postponement of UKCA

With an industry already feeling the pains from material shortages, delays and price increases as demand and supply issues affect construction projects globally, a potential further increase in costs and supply delays was looming for 1<sup>st</sup> January 2022. This related to the introduction of the UK product certification scheme (aka UKCA) replacing CE marking under the terms of the EU Withdrawal Agreement the UK negotiated.

Following much lobbying from the industry sector organisations and individual companies, the requirement for construction products manufactured and sold to have the UKCA certificate in GB market (England, Scotland & Wales) has been postponed by the UK government till 1<sup>st</sup> January 2023.

This now leaves the sector to have 16 months lead in time from Sept 2021 and a chance to pause and take breath. However, there is still much to do and prepare for and even with a 12 month extension it will be a tight turnaround for all existing and new products arriving on the market to meet. What was most striking was the number of specifiers who were unaware of such key changes and whether their supply chains were ready.

The Construction Products Association (CPA) had regularly taken the product industry's pulse on preparations and delivery, making a strong case to the UK government for postponement.

The issues not only relate to translation of existing products CE marking into the UKCA by approved bodies, but also the fact that a number of certified tests for some products are not undertaken in the UK. In addition, there is insufficient capacity to test some new product types within the UK even with the extended timescales. This may lead to knock-on delays and future supply issues for fire safety products (e.g. replacement cladding), products designed to meet net zero requirements, thermal performance of materials, energy generation system assessments and other specialised types of tests.

The EU has stated it will currently not recognise the UKCA marking scheme, so companies exporting to Europe would have to undertake both UKCA and CE certification assessments, adding to costs.

### So what happens till 31<sup>st</sup> December 2022?

CE marked products already placed on the UK market, and goods lawfully marked with the CE mark and placed on the EU market before the end of the transition period (31st Dec 2022) can continue to circulate until they reach their end user, whether they are in the UK or the EU. This includes requirements that they:

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

It will be up to any economic operator, relying on this provision, to prove that the goods were placed on the market before the end of the transition period. The parliamentary bill to enact the UKCA certification scheme is expected to occur later in 2022.

### What happens after 1<sup>st</sup> Jan 2023?

After the end of the transition period it will be the responsibility of the supplier to ensure that their future manufacture and sale of products have a UKCA marking to replace the previous CE marking of products. This applies to GB market and there are separate provisions for Northern Ireland.

Specifiers should ensure that products being incorporated into construction projects and sites comply with the UKCA marking requirements from 1<sup>st</sup> January 2023.

### **UK 'Approved Bodies'**

From 1 January 2021, UK notified bodies operating under the EU Construction Products Regulation 2011 (EU Regulation No. 305/2011) and based in the UK were granted new UK 'approved body' status and listed in a new UK database. Product manufacturers, if not already started, should liaise with a relative approval body to ensure their products will be compliant for 1<sup>st</sup> January 2023.

A useful list of Approved Bodies and Technical Assessment Bodies has been provided by the UK Government: [https://www.gov.uk/uk-market-conformity-assessment-bodies?uk\\_market\\_conformity\\_assessment\\_body\\_type%5B%5D=technical-assessment-body&uk\\_market\\_conformity\\_assessment\\_body\\_legislative\\_area%5B%5D=construction-products](https://www.gov.uk/uk-market-conformity-assessment-bodies?uk_market_conformity_assessment_body_type%5B%5D=technical-assessment-body&uk_market_conformity_assessment_body_legislative_area%5B%5D=construction-products)

**Further information** on the construction products regulation and changes can be found at:

#### ***England, Scotland, Wales***

<https://www.gov.uk/guidance/construction-products-regulation-in-great-britain>

#### ***Northern Ireland***

<https://www.gov.uk/guidance/construction-products-regulation-in-northern-ireland>