

**NSAI**



Rialtas na hÉireann  
Government of Ireland

## Brexit Series Construction

### Accessing the UK market

The UK Government is providing information for businesses trading with the UK on what will take place if the UK leaves the EU without an agreement. The UK Government has published domestic legislation that will come into effect in the case of a 'No Deal' Brexit. The purpose of this is to convert the "CPR" into UK law and establish a new UK system. The UK Government has also published guidance on how this system will work in practice.

Under the new proposed UK regime:-

- UK notified bodies will become UK approved bodies and details of UK approved bodies will be placed on a planned UK Government database.
- Existing EU "harmonised standards" will become UK "designated standards".
- New UK conformity marking- the UKCA mark will be introduced which will specify that a construction product complies with UK regulations and can be placed on the UK market.

For a time-limited period, 'CE' marking will still be able to be used for construction products to access the UK market. The UK Government will decide when this concludes, and Irish manufacturers will no longer be able to access the UK market using their 'CE' mark. It will become a requirement to affix the new UKCA mark.

### What you need to know

- Your goods can be assessed by an EU notified body and placed on the EU and UK market for a limited time.
- Your goods can be assessed by a UK approved body and placed on the UK market only.
- The UK Government has published draft legislation and guidance on the corresponding UK Construction

### About NSAI

NSAI is an EU notified body for certification of medical devices, motor vehicles, construction products and measuring instruments. It also carries out market surveillance on packaged goods and measuring devices. NSAI aims to inspire consumer confidence and create the infrastructure for products and services to be recognised and relied on.

### Contact us



[brexitunit@nsai.ie](mailto:brexitunit@nsai.ie)



[nsai.ie/Brexit](http://nsai.ie/Brexit)



[/NSAIstandards](https://www.facebook.com/NSAIstandards)



[/NationalStandards Authority](https://www.linkedin.com/company/NationalStandardsAuthority)



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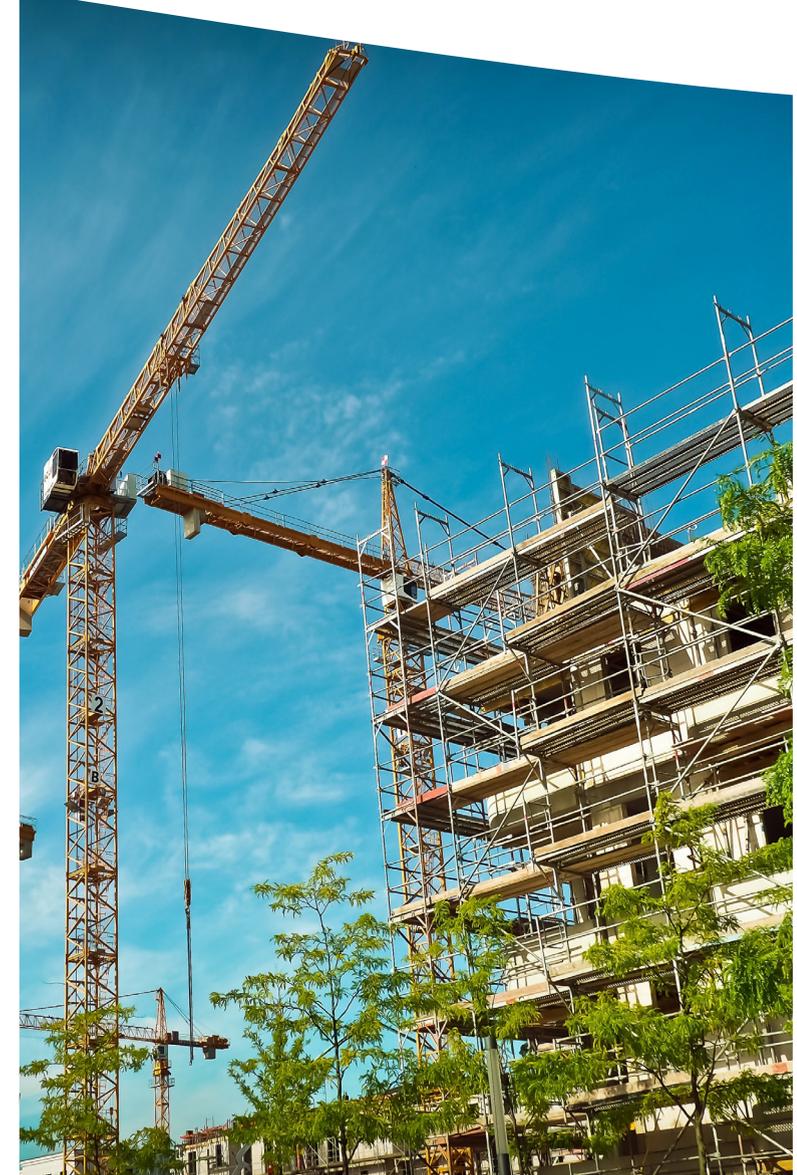


+353 1 807 3800

### Further information

The Department of Housing, Planning and Local Government has a dedicated webpage on the CPR and Brexit.

The Irish Government has also put in place a number of supports to help businesses prepare for Brexit. Further information is available on the Government of Ireland website.





## Product certification

The Construction Products Regulation (No.305/2011) (the “CPR”) sets out rules for the marketing of construction products in the EU. The “CPR” requires the manufacturer to draw up a declaration of performance and affix a ‘CE’ mark to any construction product covered by a harmonised standard being placed on the EU market. The “CPR” also places additional obligations on manufacturers, importers, distributors and authorised representatives (where applicable).

If you import products from the UK, you are currently classified as a distributor. Post-Brexit you will become an importer and will take on additional responsibilities which are outlined in the “CPR”. If an importer believes that a construction product is not in conformity with mandatory “CPR” requirements, they must not place the product on the market. Under the “CPR”, an importer should also provide contact details on the product. Distributors also have a duty of care under “CPR” and if a distributor places a product on the market under his trade name or modifies a product, then he will be treated as the manufacturer.

Post Brexit, an authorised representative must be established in an EU 27 Member State.

## Further information

The “CPR” outlines the specific responsibilities for manufacturers, importers, distributors and authorised representatives. For more information about economic operators and their respective legal responsibilities, consult the EUR Lex website.

The EU Commission has also published a frequently asked questions section on the “CPR”.

## Do you use a UK notified body for product certification?

Harmonised standards define the methods and the criteria for assessing performance and set out the degree of third party assessment required to enable manufacturers to draw up the Declaration of Performance and affix ‘CE’ marking. Third party assessment may only be undertaken by designated ‘notified bodies’.

Post-Brexit, all notified bodies in the UK will cease to be recognised as EU notified bodies and you will no longer be able to rely on them to place your product on the EU market. If you or one of your product suppliers currently rely on a UK notified body to support a product declaration for ‘CE’ marking purposes, you must take action now.

Manufacturers should either arrange for the transfer of files and the corresponding certificates from the UK body to an EU 27 notified body (this needs to take place before the withdrawal date) or apply for a new certificate with an EU 27 notified body. The details of all EU notified bodies are available on the EU NANDO website.

The cut off point for products relying on a UK notified body will be based on whether the product is considered as having been ‘placed on the market’. ‘Placing a product on the market’ is the process where the good is first made available on the EU market for distribution, consumption or use after the manufacturing stage. ‘Placing on the market’ does not require physical delivery of the product but does require that the product has been physically manufactured. The manufacturer and the importer are the only economic operators who place products on the market.

## What must I do now?

### If I rely on a UK notified body...

- Check the EU ‘NANDO’ website to find a suitable EU notified body.
- Engage with your prospective EU notified body in relation to the transfer of files and certificates or new certification.
- Manage existing manufacturing and stock.

### If I am becoming an importer...

- Assess your supply chain.
- Prepare for the additional responsibilities you will be taking on as an importer under the “CPR”.
- Engage with the manufacturers of the products you import.
- Ensure that you will be able to get the information and assurances you need.

## Further information

The EU Commission published a Brexit Preparedness Notice on the Withdrawal of the United Kingdom and EU rules in the field of industrial products.

The EU Commission published a Q&A in relation to industrial products, including construction products in the event of a ‘No Deal’ Brexit.