Information

KNOWLEDGE HUB

Conformity Marking – how to guidance

The government announced in December 2022 that the deadline for ending recognition of the CE mark has been extended to **30 June 2025**.

Simplification measures announced in June 2022 have been withdrawn. These measures previously allowed the application of a UKCA mark where products under AVCP System 3 had been tested by an EU notified body before 1 January 2023. This is no longer permissible under the legislation.

As a result of this, Government has stated that they will not take enforcement action on economic operators who have affixed UKCA marking based on AVCP 3 EU notified body evidence following the June advice.

This means that any new testing undertaken must be done by a UK notified body for UKCA marking and an EU approved body for CE marking.

Until more guidance is given by the government, there is not an unambiguous path forward for manufacturers who need to conformity mark construction products.

Below are the two principal approaches with the subsequent risks and benefits outlined:

Use the time given by the deadline extension (and use CE mark where necessary) to re-test products and ensure that all evidence is from a UK notified body before the new deadline.

> **Benefit:** This strategy ensures that whatever happens between now and June 2025, you will not be in contravention of the legislation after the new deadline.
> **Risk:** In the event that the UK Government negotiates full mutual recognition with EU approved bodies before June 2025, then re-testing may turn out to have been un-necessary.

Continue to utilise existing evidence (Pre 2023) from EU notified bodies to apply a UKCA mark throughout the extension period.

> **Benefit:** In the event that the UK Government negotiates full mutual recognition with EU approved bodies before June 2025, then you may have saved significant cost on re-testing.
> **Risk:** If mutual recognition does not happen, then after the new deadline your UKCA marking will be in contravention of the legislation and you are likely to become subject to enforcement action.

Remember that regardless of the strategy above, all **new** testing due to product changes, expiration, new product development etc. **must** be tested using a UK notified body.

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General Introduction
Any products covered by a British standard with Designated status are mandated by the EU construction products regulation (CPR) and subsequent UK amendments to carry conformity marking and a declaration of performance (DOP) in order to be placed on the market.

The 2020 UK amendment to the CPR states:
4.— (1) A person who supplies a construction product in respect of Great Britain that is covered by a designated standard or conforms to a UK Technical Assessment that has been issued for it shall be guilty of an offence unless—
(a) there is supplied with the product in accordance with Article 7 of the 2011 Regulation a declaration of performance for the product drawn up in accordance with Articles 4 and 6 of the 2011 Regulation; and
(b) the product has affixed to it the UK marking in accordance with Article 8(1) of the 2011 Regulation.

Annex Z of any designated standard covers in detail all the requirements and methods for conformity marking, the associated AVCP systems and declarations of performance.

UKCA, UKNI and CE Marking
UK Government intends to end recognition of the CE mark by 30th June 2025. This means it will not be legal to place a CE Marked Product on the market in Great Britain (England, Scotland and Wales). The situation is distinct in Northern Ireland due to the Northern Ireland protocol.

The table below shows what conformity marking is and will be accepted between the UK, Northern Ireland and European Union member states.

		Manufacture in Great Britain * Assessed by UK Body	Manufacture in Northern Ireland * Assessed by UK Body	Manufacture in European Union ** Assessed by EU Body
Place on Market in Great Britain	Until 30/06/2025	UKCA or CE	UKCA or CE	UKCA or CE
	After 01/07/2025	UKCA	UKCA	UKCA
Place on Market in Northern Ireland		* CE and UKNI	* CE and UKNI	** CE
Place on Market in European Union		CE	CE	CE

NOTE: UK bodies are able to apply the CE marking only where it is accompanied by the UKNI marking, UK bodies are not recognised as competent to apply the CE marking alone.

Marking is usually applied either directly to products, but where this is not possible, it can instead be applied to labelling or packaging.

Declaration of Performance
A declaration of performance is document with specific utility that details compliance, or levels of performance against the required essential characteristics, and is used for record keeping. It should be provided as part of an O&M manual but should be available to view in advance for any product that has been placed on the market.
A comprehensive example of a declaration of performance and the necessary information is found on page 4 of the European Commission: CE marking step by step guide (see references).

AVCP Systems

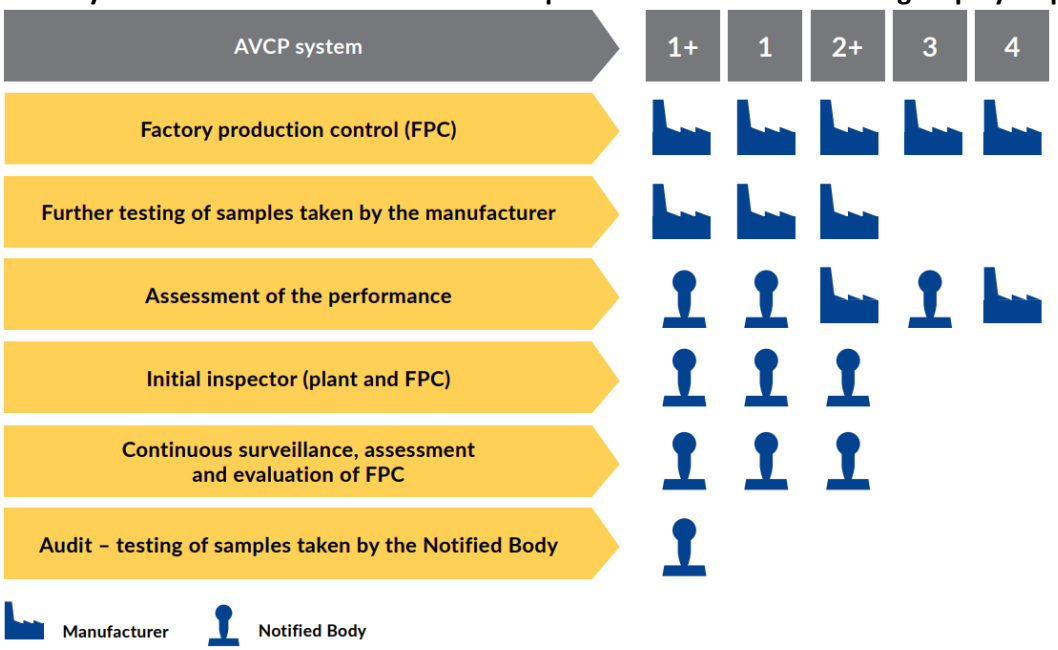
Depending on the intended uses of kits or components, the assessment and verification of constancy of performance (AVCP) system that needs to be used to declare the levels of performance of characteristics will vary.

The AVCP system dictates the level of involvement from a 3rd party approved body in assessing the following main elements:

- Factory production control (fpc) on the basis of documented, permanent and internal control of production in a factory, in accordance with the relevant harmonised technical specifications.
- Initial inspection of the manufacturing plant and of fpc.
- Continuous surveillance, assessment and evaluation of fpc.
- Determination of product type on the basis of type testing, type calculation, tabulated values or descriptive documentation of the product.
- Audit testing of samples taken before placing the product on the market.

The table below is a non-product specific overview of how responsibilities are split between the manufacturer and approved body for each AVCP System.

AVCP systems overview extracted from European Commission: CE marking step by step (see references).



Terminology Changes

A number of terms used in this guide are different from those used previously in the EU and are summarised below.

CE Marking (EU)	UKCA Marking
Construction Products Regulation (CPR)	UK Construction Products Regulation) UK CPR
Notified Body (NB)	UK Approved Body (AB or CAB)
Harmonised Standard	Designated Standard
Technical Assessment Body (TAB)	UK Techncial Assessment Body (UK TAB)
European Technical Assessment (ETA)	UK Technical Assessment (UKTA)
AVCP Levels (No Change)	

References/Links

FIS Brexit Risk Register

EU Construction Products Regulation

GOV.UK Construction Products Regulation (Amendments to EU CPR)

GOV.UK Register of UK Approved Bodies

Construction Products Association Guidance Note Construction Products Regulation (CPR)

European Commission: CE Marking Step by Step

WITHDRAWN - GOV.UK Simplification of Product Safety Markings