



27 July, 2020

Dear All,

Further to the withdrawal of the United Kingdom from the European Union, the European Commission published a notice on 9<sup>th</sup> of July 2020 to help national authorities, businesses and citizens prepare for the inevitable changes that will arise at the end of the transition period.

[https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period_en)

Also available at this link are sector specific Brexit readiness notices. In particular, the Commission has published a [Notice to Stakeholders – Withdrawal of the United Kingdom and EU Rules in the Field of Industrial products.](#)

The notice gives guidance to stakeholders in relation to Industrial Products, including construction products covered by the Construction Products Regulation (EU) No 305/2011, and aims to support stakeholders in dealing with the consequences of the end of the transition period on 31<sup>st</sup> December 2020.

This notice is an update of the preparedness notice the Commission published in January 2018<sup>1</sup>, and the questions and answers document it published in February 2019<sup>2</sup>, during the Article 50 negotiations with the United Kingdom.

The guidance in the notice is set out in three parts

- Part A - the legal situation as of the end of the transition period,
- Part B - the relevant separation provisions of the Withdrawal Agreement, and
- Part C - the rules applicable to Northern Ireland as of the end of the transition period.

It is essential that all stakeholders are aware of the implications, and are ready for the changes, which will arise regardless of the outcome of negotiations between the European Union and the United Kingdom. There is no room or time for complacency.

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<sup>1</sup> [NOTICE TO STAKEHOLDERS – WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF INDUSTRIAL PRODUCTS 10 January 2018](#)

<sup>2</sup> [QUESTIONS AND ANSWERS RELATED TO THE UK's WITHDRAWAL FROM THE EUROPEAN UNION WITH REGARD TO INDUSTRIAL PRODUCTS 01 February 2019](#)





The notice reiterates the general principles that after the 31 December 2020:

1. manufacturers, distributors, importers and authorised representatives must comply with their obligations and responsibilities under Regulation (EU) 305/2011 when placing a construction product on the EU market.
2. both authorised representatives and importers must be established in the EU-27.
3. UK Notified Bodies will lose their status as EU Notified bodies the end of the transition period.

Manufacturers, distributors, importers and authorised representatives of construction products will need to take the necessary steps to ensure that they hold certificates under the responsibility of an EU27 Notified Body to demonstrate compliance for products placed on the EU market post-Brexit. In practice, this means either

- arrange for a transfer of their files and the corresponding certificates from the UK 'notified body' (a 'notified body' registered in the UK) to an EU-27 'notified body', or
- apply for a new certificate with an EU-27 'notified body'

**Either step should be taken before the end of the transition period on 31<sup>st</sup> December 2020.**

4. the UK Accreditation Service will cease to be a national accreditation body within the meaning and for the purposes of Regulation No 765/2008

In addition, the notice provides examples of how “placing on the market” can be demonstrated in the period around the 31 December 2020.

Finally, the notice provides clarity on the rules that apply in and to Northern Ireland in accordance with the Protocol on Ireland/Northern Ireland (Article 185 of the Withdrawal Agreement).

It is important that builders, specifiers, designers, certifiers etc., are aware of the guidance and changes above. They should ensure that the CE Marking/ Declaration of Performance and relevant product-related documentation is appropriate to demonstrate and ensure compliance



with the Building Regulations. Further information on the compliance with the Construction Products Regulation is available at the following link:

<https://www.housing.gov.ie/housing/building-standards/construction-products-regulation/construction-products-regulation>. Further information on the implications of Brexit is available here: <https://www.housing.gov.ie/corporate/brexit/brexit-construction-products-regulation>

The Department of Housing, Planning and Local Government is responsible for policy and regulation of building standards, including implementation of the Construction Production Regulation. The Department is the Notifying Authority for construction products covered by Construction Products Regulation (EU) No 305/2011 and in this respect, is actively assessing applications from bodies seeking to become Notified Bodies in Ireland. The 'Nando' EU commission web site provides the full listing of all current European wide Notified Bodies at the following link <http://ec.europa.eu/growth/tools-databases/nando/>

Further information on the impacts of Brexit on standards and certification is available from the National Standards Authority of Ireland, and is available at the following link <https://www.nsai.ie/brexit>

Yours sincerely,

Built Environment Advisory Unit

