

businesscompanion

trading standards law explained

Construction products

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Although the United Kingdom has left the European Union (EU), certain pieces of legislation (formally known as 'retained EU law') will still apply until such time as they are replaced by new UK legislation; this means that you will still see references to EU regulations in our guidance.

To fully understand this guidance, it is important to note the difference between the United Kingdom and Great Britain:

- UK: England, Scotland, Wales and Northern Ireland
- GB: England, Scotland and Wales

This guidance is for England, Scotland and Wales

When products are placed on the GB market, it is mandatory for manufacturers to draw up a declaration of performance and apply the UKCA mark to any of their construction products that are covered by a designated standard*, or conform to a 'UK technical assessment' (UKTA) that has been issued for them.

[*'Designated standards' are those approved by the Secretary of State and published by the British Standards Institution (BSI).]

The law

The Construction Products Regulations 2013, which implement Regulation (EU) No 305/2011 *laying down harmonised conditions for the marketing of construction products*, cover four main elements:

- system of harmonised technical specifications

- agreed system of conformity assessment for each product family
- framework of notified bodies
- UKCA marking of products

Two pieces of legislation make amendments to the regime for construction products:

- Construction Products (Amendment etc) (EU Exit) Regulations 2019
- Construction Products (Amendment etc) (EU Exit) Regulations 2020

Since 1 January 2021, UK notified bodies operating under Regulation No 305/2011 and based in the UK have had a new UK 'approved body' status and listed on a new UK database. Approved bodies will be able to undertake conformity assessment activity for designated standards. Where an approved body has undertaken the assessment, the manufacturer (or their authorised representative) must affix the UKCA mark.

Definition of a construction product

In Regulation (EU) No 305/2011, a construction product is defined as "any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works".

Construction products include products such as doors, windows, shutters and gates, membranes, thermal insulation products, chimneys and flues, sanitary appliances, fire alarms, flooring, fire retardant products, space heating appliances, power cables, glass, and fixings.

UKCA, CE and UKNI marking

There is a legal requirement for certain products to be UKCA-marked when placed on the internal GB market. UKCA marking is a key indicator of a product's compliance with GB legislation. By affixing the UKCA mark on a product, a manufacturer is declaring conformity with all of the legal requirements to achieve UKCA marking.



It is the manufacturer's responsibility to carry out the conformity assessment in accordance with the legislation.

Not all construction products sold in GB need to bear UKCA marking. However, if a construction product does require a UKCA mark but does not have one, it is illegal to place it on the GB market.

You should know what products must bear the UKCA mark and the accompanying documents required, and should be able to identify products that are clearly not in compliance.

The GOV.UK website contains more detailed information on the [UKCA mark](#), including guidance on [roles and responsibilities](#) and [conformity assessment and documentation](#).

The [CE mark](#) is the equivalent of the UKCA mark in the European Economic Area (EEA). It was used in the UK until we left the EU.



There are transitional arrangements in place, which means that CE marking can be applied to any products placed on the GB market until 30 June 2025 (although in order to avoid difficulties nearer the time, it is recommended that you start using the UKCA marking as soon as possible). From this date forward, goods being placed on the GB market will need to meet GB requirements.

Where Northern Ireland is involved, there is a further mark that is used: the UKNI mark. This is needed because of the Northern Ireland Protocol, which came into force on 1 January 2021.



Guidance on the [UKNI mark](#) can be found on the GOV.UK website.

DLUHC guidance

The Department for Levelling Up, Housing and Communities (DLUHC) has produced [guidance on the Regulation](#), which can be found on the GOV.UK website. The DLUHC was known as the Ministry of Housing, Communities and Local Government at the time of publication.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see ['Trading Standards: powers, enforcement and penalties'](#).

In this update

The UKCA / CE mark crossover period for construction products has been extended to 30 June 2025.

Last reviewed / updated: September 2023

Key legislation

[Regulation \(EU\) No 305/2011](#) laying down harmonised conditions for the marketing of construction products

[Construction Products Regulations 2013](#)

[Construction Products \(Amendment etc\) \(EU Exit\) Regulations 2019](#)

[Construction Products \(Amendment etc\) \(EU Exit\) Regulations 2020](#)

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links often only shows the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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