

EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND THE WINDSOR FRAMEWORK

REGULATION (EU) 2024/3110 of the European Parliament and of the Council of laying down harmonised rules for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) No 305/2011

Submitted by the Ministry of Housing, Communities and Local Government on 13.01.2025

SUBJECT MATTER

1. On 18.12.2024 the EU adopted Regulation (EU) 2024/3110 of the European Parliament and of the Council (the "revised CPR") laying down harmonised rules for the placing and making available on the market of construction products. The revised CPR also amends Regulation (EU) 2019/1020 on the market surveillance and compliance of products, and revokes Regulation (EU) 305/2011 ("the CPR"). The first set of measures to be introduced are primarily enabling measures, which will be introduced 20 days after publication of the revised CPR in the Official Journal of the EU (OJEU). Most of the measures of revised CPR will be applicable 1 year after publication in the OJEU. Measures related to penalties will be introduced two years after its publication in the OJEU.
2. Both the CPR and the revised CPR provide a common technical language to assess the performance of construction products. The purpose is to ensure that reliable information is available to professionals, public authorities, and consumers, so they can compare the performance of products from different manufacturers in different countries. However, it is of note that only a subset of construction products fall within scope of the CPR and revised CPR. The Independent Review of the Construction Product Testing Regime estimated the subset to be no more than one third of the construction products on the market.¹
3. The EU is updating the CPR. The revised CPR retains the key elements, setting out the requirements manufacturers must meet to place their products on the EU market, where they are within the scope. Products within scope of the revised CPR have to undergo an assessment of conformity with the relevant standard or technical assessment – as is already the case. Such products will continue to need to have the CE (Conformité Européenne) mark affixed to demonstrate conformity with the applicable requirements.
4. In order to ensure its dual access to both the UK Internal Market and the EU Single Market, Northern Ireland continues to apply certain EU rules in relation to construction products under the terms of the Windsor Framework. The revised CPR replaces the CPR which is listed in Annex 2 of the Windsor Framework. The revised CPR will apply in Northern Ireland accordingly, subject to the democratic scrutiny mechanisms set out in

¹ [Independent Review of the Construction Product Testing Regime - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Article 13(3a) of the Windsor Framework and Schedule 6B of the Northern Ireland Act 1998. However we do not consider that the revised CPR, combined with planned domestic reforms in the rest of the UK, is likely to result in significant impacts for those selling construction products in Northern Ireland or substantively affect trade in construction products between Northern Ireland and Great Britain.

CONSTRUCTION PRODUCT REGULATION REVIEW

5. The stated objectives of the revised CPR include achieving a well-functioning single market for construction products, ensuring construction products are safe, improving enforcement and market surveillance and reducing the climate and environmental impact of construction products.
6. The revised CPR introduces certain new measures, and strengthens certain existing measures. These include:
 - More clarity provided on the future approach to the development of standards through the inclusion of a three-year plan, as well as a mechanism for Member States to communicate product requirements deemed necessary.
 - Re-used and recycled products brought within scope of the CPR.
 - Expansion of the scope of the regulation, in that the 'economic operators' it applies to is expanded to include online marketplaces and fulfilment service providers.
 - New requirements for placing construction products on the market, such as manufacturers providing information on a product's environmental sustainability, on installation and on potential risks of the product and any reasonably foreseeable misuse.
 - A focus on increasing transparency, information sharing and cooperation between conformity assessment bodies (CABs). CABs play a key role in assuring a product's declared performance against a harmonised standard or an EU Assessment Document.
 - Improvements made to market surveillance and enforcement, including explicit reference to manufacturers' liabilities, introduction of powers for national regulators to cover costs and an expanded role for conformity assessment bodies in market surveillance.
7. The revised CPR also seeks to improve digital access to information, by establishing a database of construction products. This integrates with the cross-cutting Digital Product Passport set up in the new Eco-design for Sustainable Products Regulation (ESPR)². This will require any relevant information required under the revised CPR, such as the declaration of performance and conformity, and under other appropriate legislation to be accessible via a QR code. It is of note that the DPP system for construction products should be established in 2026 and that 1 year after it would become mandatory for manufacturers to make available their product passports. Until then, the system may be used voluntarily by manufacturers.

² [Ecodesign for Sustainable Products Regulation - European Commission \(europa.eu\)](https://ec.europa.eu/eurobarometer/surveys/trends/policies/ecodesign-for-sustainable-products-regulation)

MINISTERIAL RESPONSIBILITY

8. The Secretary of State for the Ministry of Housing, Communities and Local Government is responsible for the rules governing the placing and making available on the market of construction products.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

9. The placing and making available on the market of construction products is a reserved matter, which the UK government will continue to discuss with devolved counterparts as appropriate.

LEGAL AND PROCEDURAL BASIS

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i. EU legal basis

Article 114 of the Treaty on the Functioning of the European Union, which allows the European Parliament and the Council to adopt measures which have as their object the establishment and functioning of the internal market

ii. Procedure

The ordinary legislative procedure.

iii. Timetable for adoption and implementation

The regulation will enter into force on the twentieth day following its publication in the Official Journal of the European Union (date). Articles 1, 2, 3, 4, 5 (1) to (7), 9, 10, 12 (first subparagraph), 16 (3), 37 (4), 63, 89, 90 and Annex I, II, III, IV, VII, IX, X will apply from that point.

Most of the provisions of revised regulation will be applicable 1 year after entry into force. Article 92 will be introduced 2 years after entry into force.

POLICY IMPLICATIONS

Domestic Policy context

11. The current regulatory framework is derived from EU law. The CPR was introduced across the UK in 2013.
12. In parallel to the EU's reforms, the UK Government also plans to reform the Construction Products industry to ensure safe materials and consequences for those who compromise safety. We are carefully considering the EU's approach as we develop proposals for system wide reform of the regulatory regime.
13. Currently construction products within scope of the CPR must undergo an assessment of conformity with the relevant standard or technical assessment. Such products must

also be affixed with a UKCA (UK Conformity Assessed) or a CE (Conformité Européenne) mark in order to be placed on the market in Great Britain. The Government has announced the continued recognition of the CE marking [in Great Britain] and that any changes to the recognition of CE marking would be subject to a minimum 2-year transitional period.³ As a result, it will continue to be the case that construction products can be placed on the market across the whole of the UK using a single marking, avoiding any disincentives for suppliers to place products on the Northern Ireland market.

Impact of the regulation on Northern Ireland

14. Whilst the overall framework for placing products on the market where they are in scope will remain the same (undergoing an assessment of conformity, drawing up a declaration, and affixing a 'CE' mark) there are some new measures which will impact those placing products on the market in Northern Ireland. The key changes for manufacturers (and others economic operators who are placing products on the market, such as importers) include requirements to:

- Maximise the use of recycled materials;
- Provide information on a product's environmental sustainability over its lifecycle and on the packaging used or likely to be used for a product;
- Design products that can be used as long as possible (for example by making available information on repair and making spare parts available for 10 years after placing the product on the market);
- Require digital labelling through the Digital Product Passport; and
- Provide information about installation, use and deinstallation of a product, to ensure safety.

15. In terms of changes for market surveillance in Northern Ireland, the revised CPR will introduce a reporting system established for consumers and stakeholders to raise concerns about non-compliant or unsafe products. This change seeks to increase accountability, ensuring faster identification and resolution of issues, and places greater responsibility on manufacturers and authorities to address complaints.

16. The process for developing and adopting harmonised technical specifications will change, and this process will apply in relation to products in Northern Ireland under the scope of the revised CPR. The Commission's establishment of a three-year work plan, with advice from an expert committee, sets out a programme of work to develop new product standards. The revised process indicates an intention to speed up the process for adopting standards. A key new benefit of this forward look of upcoming standards is that it will give better visibility of upcoming changes, supporting industry to prepare for these.

17. Alongside harmonised standards, the European Technical Assessment route will be retained. This process provides manufacturers with a voluntary route to CE marking

³ [Written statements - Written questions, answers and statements - UK Parliament](#)

where a product is not covered by a harmonised technical specification. This seeks to support the bringing of new and innovative products to market by providing comparable information about the product's performance. As is the case for harmonised standards, the information declared under this process is expanded, including to provide information on environmental sustainability.

18. The revised CPR will have a phased implementation, which will give more time for the Northern Ireland construction product industry to prepare for the reforms, with new enforcement measures to be introduced after 24 months from entry into force.
19. The Government recognises the importance of ensuring the continued and uninterrupted supply of construction products to Northern Ireland, including supplies from Great Britain. The UK Government will consider the relative merits of the EU's revised CPR as part of developing its proposals for reform as set out above.
20. We would expect that many manufacturers moving goods from Great Britain are likely to meet these new requirements in order to also continue supplying the EU market. Therefore on balance, we do not consider that the revised CPR will result in significant impacts for those selling construction products in Northern Ireland or substantively affect trade in construction products between Northern Ireland and Great Britain.
21. Qualifying Northern Ireland goods will continue to benefit from unfettered access to the rest of the UK market. Accordingly, these goods, in line with this Regulation, would therefore be able to be placed on the market anywhere in the UK with no additional controls or requirements.
22. In all circumstances, the Government will meet its commitment to protect the UK's internal market

CONSULTATION AND EVALUATION

23. The European Commission ran a public consultation on 'rules for products used in the construction of buildings and infrastructure work'⁴ between January and April 2018, to gather views of interested stakeholders and the public on the internal market for construction products. In total, 641 online questionnaires were completed. Of those responses, 51 were from the UK. The majority of responses were in favour of maintaining the rules on construction products, but with improved implementation and enforcement.
24. The European Commission also ran an evaluation⁵ of the previous CPR in 2019, to assess how the CPR met its objectives. The evaluation made use of a range of sources, including the public consultation. The evaluation found that the main shortcomings of the CPR were insufficient performance and output quality of the standardisation

⁴ [181022 Results OPC CPR Review for publication.pdf](#)

⁵ [SWD_2019_1771_F1_STAFF_WORKING_PAPER_EN_V4_P1_1049691.PDF](#)

system, the ineffective role of EU Member States in market surveillance and low uptake of simplification provisions.

FINANCIAL IMPLICATIONS

25. Details of the likely potential costs are uncertain at this time – though, for the reasons set out above, we do not anticipate significant Northern Ireland-specific financial implications.

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