businesscompanion
trading standards law explained

Construction products

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Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

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

In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

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 CE and/or 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. Importers must assure that the marking and declaration of performance have been correctly applied.

[*'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 assimilated 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
- CE and/or UKCA marking of products

UK notified bodies operating under assimilated Regulation (EU) No 305/2011 have UK 'approved body' status and are listed on a UK database. Approved bodies are 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 CE and/or UKCA mark.

Definition of a construction product

In assimilated 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.

CE / UKCA

There is a legal requirement for certain products to be CE and/or UKCA-marked when placed on the internal GB market. This marking is a key indicator of a product's compliance with GB legislation. By affixing the CE and/or UKCA mark on a product, a manufacturer is declaring conformity with all of the legal requirements to achieve CE and/or 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 CE and/or UKCA marking. However, if a construction product does require a CE and/or 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 CE and/or 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 CE and UKCA marks, including guidance on roles and responsibilities and conformity assessment and documentation.

The Government has announced that the deadline of 30 June 2025 - on which construction products were no longer to be permitted to bear the CE mark - will no longer apply.

MHCLG guidance

The Ministry of Housing, Communities and Local Government (MHCLG) has produced guidance on the Regulation, which can be found on the GOV.UK website.

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 Government has announced that the CE mark may continue to be used past the previously announced deadline of 30 June 2025.

Last reviewed / updated: November 2024

Key legislation

- assimilated 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 go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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