



Ministry of Housing,
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Lord Greenhalgh
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Dear Mr Davis,

I would like to thank you for your letter of 11 November which requested that I clarify the Government's view on the future of retesting in relation to construction products. I appreciate the concerns around testing held by the fire safety industry at this time, given how close we are to the end of the transition period on 31 December, which is when the EU Construction Product Regulation (CPR) will become retained EU law and form part of the UK's legal system. I therefore wanted to take the time to respond to your questions so that I might offer useful guidance on MHCLG's current rationale and position.

First, I wanted to highlight that in March 2019 we made regulations to ensure that the EU CPR's provisions will have practical application in the UK, including the introduction of UK-wide provisions for UKCA marking and UK designated standards. We have since left the EU with the Withdrawal Agreement and Northern Ireland Protocol in place, and made further regulations in November 2020 to:

- Amend the application of the 2019 Regulations to GB only.
- Recognise the CE mark with UK(NI) indication where testing has been conducted to EU harmonised standards by a UK-based approved body.
- Amend the enforcement regimes in GB and NI to ensure they reflect the GB and NI regimes.

In terms of asking for reassurance that retesting should not be necessary in principle, our understanding of the EU Commission's position is that UK notified body issued type test reports will no longer be valid for the EU market after the end of the transition period. UK-issued test type reports will continue to be valid for the GB market and will allow you to affix UK marking from the end of the transition period.

The UK's position is that it is down to the individual UK body to decide whether to accept EU-issued type test reports to enable UKCA marking. We would recommend that your members get in touch with their UK-based test bodies to see whether this is possible, or whether their products will need to be retested.

On the question of quality, the Government remains committed to ensuring that UK standards are maintained. Our regulations will ensure that the same standards that applied before the end of the transition period will continue to apply afterwards. In addition, we intend to implement the

recommendations of the Independent Review of Building Regulations and Fire Safety to further strengthen regulatory oversight of construction products at a national level.

On whether industry will be able to meet capacity and avoid additional duplicate laboratory testing, there is not much the Government can do if Notified/ Approved Bodies won't accept the risks associated with somebody else's testing from a few years ago. But we will continue to recognise CE marked goods tested by EU-recognised Notified Bodies until the end of 2021.

The UK is seeking a positive future trading relationship with the EU which we hope will include a mutual recognition agreement on conformity assessment. However, we strongly recommend that industry prepares for the end of the transition period, including the changes outlined in the Regulations, which will come into force in either scenario.

I hope that the above information addresses your concerns. Please do not hesitate to contact me if you have any further inquiries.

A handwritten signature in black ink, appearing to read 'Lord Greenhalgh', written in a cursive style.

LORD GREENHALGH