

UKCA Marking based on European Technical Assessments: The manufacturers' view

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On 31st December 2020 the UK left the EU and also left the European rules for product qualification of construction products. Those rules typically have been documented in hEN (harmonised European Standards) or EAD (European Assessment Documents). Both routes can lead to CE Marking, one mandatory and the latter one voluntarily – similar to the legal situation in the EU.

In the meantime, the UK has developed its own 'Mark' for declaring compliance to technical requirements, the UKCA (United Kingdom Conformity Assessed) Mark, which confirms that the product is compliant with the UK regulations. It is a product marking for goods being placed on the GB market (England, Scotland and Wales). The UKCA Mark demonstrates that certain goods are compliant with UK regulations. It signifies that the product has been assessed on a common technical basis to meet high safety, health and environmental protection requirements.

In the absence of UK specific reference documents, like UK Assessment Documents (UKAD), currently the UKCA Marking process references to all European documents (hEN, EAD, ETA, etc), which were published in the official EU Journal (OJEU) prior to 31st December 2020. In case of doubt, the respective list of accepted documents is published on the UK government website¹.

For products that are qualified in the EU by ETAs in the UK, first a UKTA will be developed and issued. The UKTA (United Kingdom Technical Assessment) is the criteria for non-harmonised products to get the UKCA Mark. The UKTA is the

equivalent to an ETA (European Technical Assessment). Results of the assessment tests used for the ETA can be used also for the UKTA to avoid double testing.

In order to arrive at the UKCA Mark, the respective DoP (Declaration of Performance) will be developed by the manufacturer and the CoC (Certificate of conformity) will be issued by UK organisations, e.g an accredited UK-based assessment body from the UKMCAB database.

The UKCA Mark is a voluntary marking for all ETA based products. For construction products the due date of the CE Mark recognition is 30th June 2025. This extended deadline will be needed by both manufacturers and UK TABs to further streamline the UKTA process and to solve some open questions.

As explained earlier, only EADs cited in the official EU Journal (OJEU) before 31st December 2020 can be used as a basis to issue UKTAs. In the meantime, most of those EADs have also been developed further and replaced by updated versions. Additional EADs have also been developed for new products or applications. Currently, it is not possible to issue UKTAs for products with ETAs based on those updated or new EADs.

The same is true for products with ETAs based on former ETAGs, which are not covered by the UK list of references of pre-Exit European Assessment Documents for construction products mentioned above. For example, the widely used plastic anchors with ETAs according to ETAG 020 is not listed in the UK, which means it is not possible to issue an UKTA, although the respective ETAs are still valid in the EU.

Companies that have already started or finalised the first UKTA processes have also experienced high bureaucratic and financial burdens. Therefore, some companies have applied for UKTAs in a first step for their best selling standard products only. To encourage companies, especially SMEs, to apply for UKTAs also for their innovative or niche products, a further optimisation of the UKTA processes is necessary.

The most preferred option for the European manufacturers of ETA products would be that the UK would continue to accept the distribution and the use of CE Marked products without deadline. Although UKCA Marking for construction products with ETA will remain voluntary also in the future, such an acceptance would lead to more legal certainty for manufacturers, distributors and end users. Since this option may not be realistic for purely legal reasons, at least a clear procedure to allow mutual recognition of CE/UKCA Marking could be developed jointly between the EU and the UK to avoid unnecessary administrative burden and additional costs for the industry. +

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References:

¹ <https://www.gov.uk/guidance/pre-exit-european-assessment-documents-construction-products>

