EXPLANATORY MEMORANDUM TO

THE CONSTRUCTION PRODUCTS (AMENDMENT) REGULATIONS 2025

2025 No. 1172

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Samantha Dixon MP, Parliamentary Under-Secretary of State at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Louise Barr, Deputy Director for Construction Products at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 David Hughes at the Ministry of Housing, Communities and Local Government can be contacted with any queries regarding the instrument via david.hughes@communities.gov.uk or 03034 440282.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (EUR 2011/305)("the 2011 Regulation"). This instrument also amends the Construction Products Regulations 2013 (S.I. 2013/1387) ("the 2013 Regulations"). The 2011 Regulation is assimilated law and applies in Great Britain. The EU updated its construction product regulation framework in 2024. This instrument makes amendments to enable the continued recognition of construction products that have a CE mark or CE mark with accompanying UK(NI) indication affixed for the purposes of compliance with certain requirements of the 2011 Regulation and ensures that existing regulatory, enforcement and prosecutorial provisions in the 2013 Regulations continue to apply.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, and Scotland and Northern Ireland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, and Scotland.

5. Policy Context

What is being done and why?

5.1 This instrument ensures continuity of the current policy whereby construction products can be placed on the market in Great Britain where they comply with the EU's Construction Products Regulation, without the need for additional testing or documentation.

What was the previous policy, how is this different?

5.2 A subset of construction products are subject to regulatory requirements under the 2011 Regulation when they are placed on the market in Great Britian. Those regulations are based on mandatory product standards designated by the Secretary of State and optional technical assessments published by the Secretary of State. Such products must display a UK Conformity Assessed (UKCA) mark.

5.3 The 2011 Regulation is assimilated EU law. It remains near identical to the regime that applied when the UK was a member of the EU. The government does not intend for this assimilated EU law to be kept in place indefinitely, with system-wide reform of the construction products regime underway (see section 7 – Consultation).

5.4 Since the UK's departure from the EU, products that meet requirements under the EU's Construction Products Regulation ("EU-CPR 2011")[1] can continue to be placed on the market in Great Britain without the need for retesting or additional marking, provided that the product is subject to a standard under both the 2011 Regulation (in Great Britain) and the EU-CPR 2011. Such products must display the Conformité Européenne (CE) mark, or CE mark accompanied by the UK(NI) indication. This approach ensures that goods continue to flow onto the market in Great Britain.

5.5 There is, however, no similar provision in the 2011 Regulation to recognise EU technical assessments. These amendments will not change this policy and it will instead be considered as part of wider reforms.

5.6 The EU-CPR 2011 is being replaced by the European Construction Product Regulation 2024 ("EU-CPR 2024")[2]. The EU-CPR 2024 was published in December 2024 and introduces measures improving the safety and sustainability of construction products that have mandatory product standards or optional technical assessments, such as a strengthened product assessment framework, obligations concerning information provision and duties to report

[1] EU-CPR 2011 - https://eur-lex.europa.eu/eli/reg/2011/305/oj/eng
[2] EU-CPR 2024 - https://eur-lex.europa.eu/eli/reg/2024/3110/oj/eng

non-compliance, alongside mandatory assessment of environmental characteristics.

5.7 Substantive measures of the EU-CPR 2024, including the ability to adopt new product standards, are applicable in the European Union from 8 January 2026. All regulated products in the European Union will remain subject to the EU-CPR 2011 until a revised product standard is adopted under the EU-CPR 2024 and the previous standard is repealed. Both EU regulations will operate in tandem as coverage gradually transfers to the EU-CPR 2024, with the EU-CPR 2011 to be repealed in full in 2040.

5.8 In order to allow construction products that meet the requirements of the EU-CPR 2024 to be placed on the market in Great Britain under the same policy that applies to construction products that comply with the EU CPR-2011, a small number of technical changes to the 2011 Regulation are necessary. This is because the 2011 Regulation cross refers to compliance with the EU-CPR 2011 only. There is therefore currently no provision in the 2011 Regulation to recognise compliance with the EU-CPR 2024 as enabling those products to be placed on the market in Great Britain.

5.9 Without these changes, construction products assessed to EU-CPR 2024 standards would require additional testing and marking to be placed on the market in Great Britain. This would create double regulation, creating barriers to trade and potential supply chain disruptions which could impact house building and infrastructure projects.

5.10 This instrument therefore facilitates the ongoing recognition of construction products with the CE marking or CE marking accompanied by the UK(NI) indication, by amending the 2011 Regulation to recognise compliance with EU-CPR 2024 rules. This maintains the current policy of allowing construction products that meet the requirements under the EU law to be placed on the market in Great Britain without the need for further testing or additional marking. Benefits arising from the application of enhanced safety and sustainability measures included in EU-CPR 2024 would also be achieved should a product manufacturer assess their product against a standard adopted under EU-CPR 2024 to demonstrate compliance with GB-CPR requirements. However, they are not obliged to do so and can continue to adhere to the requirements in the 2011 Regulation.

5.11 This instrument also amends the 2013 Regulations to ensure that regulatory powers apply to construction products seeking to rely on compliance with EU-CPR 2024.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument amends the 2011 Regulation. The 2011 Regulation is assimilated law and applies to those construction products that must have a UK Conformity Assessed (UKCA) mark affixed in order to be placed on the market in Great Britain.

6.2 Under the Windsor Framework, Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down

harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ("EU-CPR 2011") and Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011 ("EU-CPR 2024") are directly applicable in Northern Ireland.

6.3 The 2011 Regulation enables some provisions of the 2011 Regulation to be treated as satisfied by complying with the corresponding requirements of EU-CPR 2011; such products will have a CE mark, or CE mark with accompanying UK(NI) indication affixed. This instrument makes amendments to the 2011 Regulation to enable those same provisions of the 2011 Regulation to be treated as satisfied by complying with the corresponding requirements of EU-CPR 2024; such products will have a CE mark, or CE mark with accompanying UK(NI) indication affixed.

6.4 This instrument also amends the Construction Products Regulations 2013 (S.I. 2013/1387) to ensure that existing regulatory, enforcement and prosecutorial provisions continue to apply.

Why was this approach taken to change the law?

6.5 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 A public consultation was not considered necessary because the instrument does not change the key requirements of the regulatory regime. These changes support businesses by maintaining the current policy.

7.2 More broadly, in response to the publication of the Grenfell Tower Inquiry Phase 2 Report, the government committed to progressing system-wide reform of the construction products regime. The government published the Construction Products Reform Green Paper[3] in February 2025. This set out the intention to continue to recognise the CE mark in Great Britain, to promote growth and protect the UK internal market. This would be a continuation of current policy.

7.3 The government has committed to publish a white paper setting out further developed policy and the next steps for long-term reform before spring 2026.

8. Applicable Guidance

8.1 This instrument does not require or implement any guidance.

[3] Construction Products Reform Green Paper
https://www.gov.uk/government/consultations/construction-products-reform-green-paper

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no impact, or a low level of impact on businesses.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 There is no, or no significant, impact on small or micro businesses.

9.4 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 This instrument does not include a statutory review clause. Further legislative changes will be required to implement the system-wide reform of the construction products regime which the government has committed to progressing.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts"). It does however relate to the withdrawal of the United Kingdom from the European Union because this instrument amends assimilated EU law (EUR 2011/305), and regulations which made provision for the operation of that assimilated EU law (S.I. 2013/1387).