From: Duncan King <duncan.king@constructionproducts.org.uk>
Sent: 14 June 2021 13:39
To: Duncan King <duncan.king@constructionproducts.org.uk>
Subject: New EU Legislation Applicable on Northern Ireland

Dear Technical Committee member,

The EU Regulation on Market Surveillance and Compliance of Products 2019/2020 comes into force on 16th July 2021. **This is applicable to Northern Ireland for as long as the Northern Ireland Protocol is in place.**

Under Article 4 of this legislation, for construction products to be placed on the EU market, there has to be an economic operator based in the EU responsible for compliance tasks. If this does not occur then the product cannot be placed on the EU market. Most UK companies will already have arrangements in place through their normal commercial activities. However, you will need to establish a formal agreement with one economic operator based in the EU to fulfil the requirements of this Regulation.

The UK Office of Product Safety and Standards has produced guidance which is attached to this email. Also attached is a copy of the actual Regulation (EU) 2019/2020.

The responsible economic operator can be any one of the following:

- The manufacturer
- An importer (when the manufacturer is not established in NI)
- A authorised representative
- A fulfilment service provider who provides at least two of the following services – warehousing, packaging, addressing and despatch, without having ownership of the product. This does not include postal, parcel or freight services.

The responsible economic operator has to undertake the following activities:

- Keep documentation verifying that:
  - The DoP and technical documentation has been drawn up
  - Keep this at the disposal of the market Surveillance Authorities for a 10 year period from the date the product was placed on the market
  - Ensure that the technical documentation can be made available to those authorities upon request
- Provide documentation:
  - If a reason request is made by a Market Surveillance Authority
  - Provide them with all information and documentation necessary to demonstrate the conformity of the product
- Notify risk if there is reason to believe a product presents a risk and by informing the Market Surveillance Authority
- Cooperate and take necessary action:
  - With Market Surveillance Authorities
  - To take appropriate corrective action to remedy the non-compliance id requested by the Market Surveillance Authority
  - If this is not possible and at their own initiative or at the request of the Market Surveillance Authority, take corrective action to mitigate the risks presented by the product

A breach of this EU Regulation by any economic operator is an offence which may lead to a conviction.

It is important to note that this Regulation does not apply to Great Britain.

Regards
Duncan

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