

A Rumsfeld moment

If industry in general craves one thing, apart from a healthy profit margin, it is certainty. And right now, certainty seems pretty thin on the ground. For example, we leave the European Union in just over a year's time, but the shape of that exit could take many forms

We could leave with no deal; or we could start a two-year implementation phase in 2019, when nothing changes, and then leave the European Union with no deal; or we could end a two-year implementation phase with a free trade agreement with the European Union and effectively it remains business as usual. This situation will be affecting many companies when it comes to making investment decisions, with the uncertainties in our future trading relationships with the rest of Europe making a rational assessment of a business case that involves European trade complicated, to say the least.

The Construction Products Regulation (CPR) is a case in point. While the benefits of CE marking may be more apparent for a large multinational, who wants to see harmonisation and common product testing and certification systems across all their European sales territories; for the SME installer, manufacturing for their local market in the UK, the benefits of CE marking their products may be less obvious, although of course I should point out that in any event it is the law right now and will be into the foreseeable future, so non-compliance with the CPR is not an option. Avoiding fines and a possible spell in jail by CE marking correctly is a form of benefit I guess. However, an apparent lack of awareness and understanding of what CE marking means among consumers and even commercial customers does not help.

Yet here on 'Planet Justin', I can see how the CPR and CE marking could and should be benefitting all our members, large and small, from those supplying a local market to the multinationals. Although the system is by no means perfect, the framework has the potential to meet many important supply chain requirements, ultimately providing a product its passport. For example, the review of building regulations led by Dame Judith Hackitt has, among many other issues, highlighted problems relating to product test data, certification and sales claims; although the review has not yet pointed in this direction, CE marking should be able to help address this when a product is in scope. *Building Information Modelling (BIM)* is all about the data; again, where possible, harmonised product standards should provide the basis for product data. The process of CE marking should also help the manufacturer when thinking about their internal processes and how they can best ensure that the product as manufactured and installed meets the performance declared on the CE marking.

While the CPR will pass into UK law when the European Union (Withdrawal) Bill is given its Royal Assent, what happens thereafter? When the CPR is changed by the European Union, can we pick'n'mix the best bits and change UK law without breaking the system? When our building regulations change and the harmonised



Justin Furness addresses CAB Manchester regional meeting in March, 2017

EN standards effectively become out of date in the UK, because our regulations are no longer tied to the European Commission's standardisation requests that are behind about one fifth of all European standards, do we add a special British standards addendum into the process, as the harmonised standards in particular will no longer reflect changes to our regulations? I am confident that we can find pragmatic solutions to these issues, but in the meantime businesses that trade with Europe need to prepare for the different scenarios and the known unknowns now, as the clock is ticking.

There are also some important 'known knowns' for businesses to consider. The European Commission has already highlighted that post-Brexit there will be important changes in the designation of some economic operators in the UK. For example, they can no longer be 'authorised representatives' for EU manufacturers and UK distributors of construction products manufactured in the EU will also have to take on board the responsibilities of an 'importer' under the CPR. UK companies need to be aware of changes to their legal obligations and plan accordingly. □

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