

The New UK Regime for Goods Regulation: The UKCA Marking



Department for
Business, Energy
& Industrial Strategy



Contents



Aims of this session

- Summarise what you need to do to place manufactured goods on the market in Great Britain and Northern Ireland.
- Help you to identify what actions you need to take for goods that previously required the CE or reverse epsilon markings.



What we'll cover

1. When you need to start using the UKCA marking
2. How to place products on the GB market
3. Roles and obligations of economic operators
4. Placing goods on the Northern Ireland market
5. Case studies

Transition to the UKCA mark



What marking applies?



CE

OR

CE UKNI

Northern Ireland (UK)

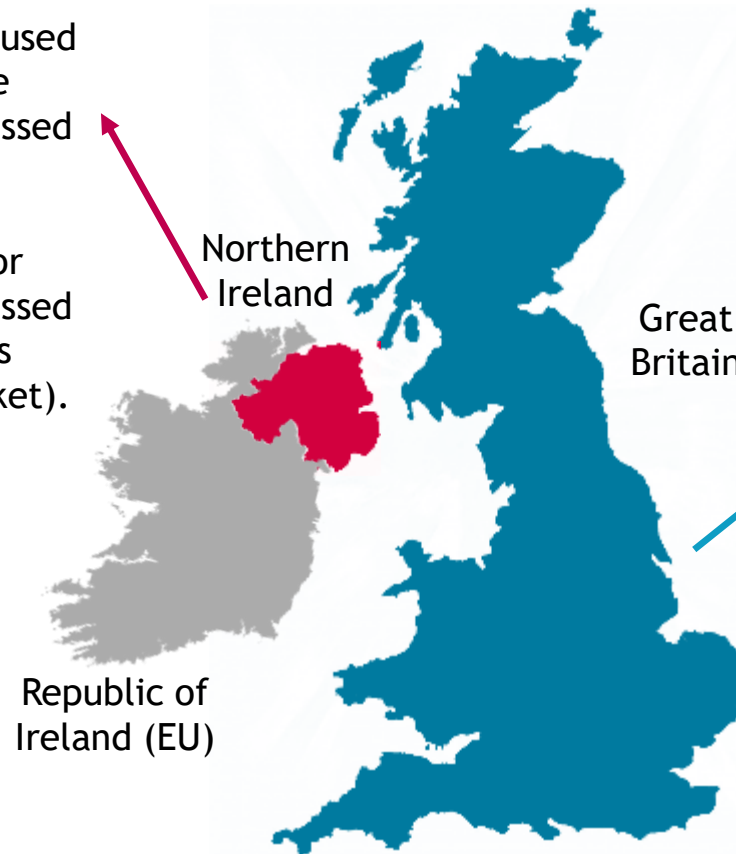
The CE marking continues to be used for self assessed goods and those goods which are conformity assessed by an EU notified body.

The CE plus UKNI mark is used for goods which are conformity assessed by a UK Notified Body (UK bodies retain this status for the NI market).

CE

Republic of Ireland and rest of EU

In the Republic of Ireland and rest of the European Union the CE mark continues to be used.



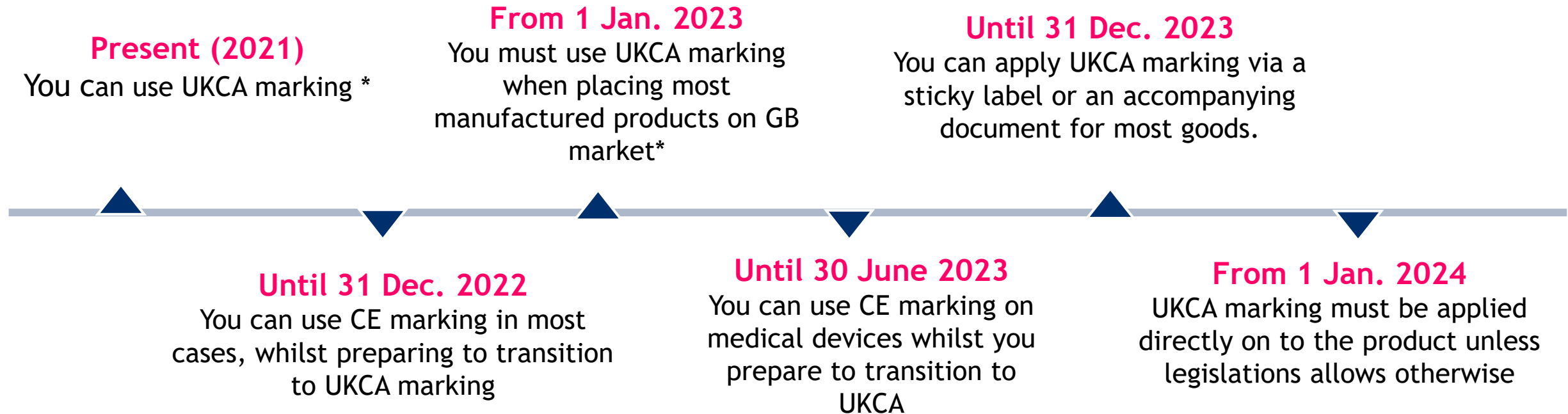
UKCA

Great Britain (UK)

The UKCA mark will be mandatory in Great Britain for goods placed on the market for the first time on and after 1 Jan 2023.

It also replaces the reverse epsilon marking for goods placed on the market in Great Britain.

Timeline to Implement UKCA Marking



What is covered by the UKCA marking



- ✓ Toy safety
- ✓ Pyrotechnics
- ✓ Recreational craft and personal watercraft
- ✓ Simple pressure vessels
- ✓ Electromagnetic compatibility
- ✓ Non-automatic weighing instruments
- ✓ Measuring instruments
- ✓ Lifts
- ✓ ATEX
- ✓ Radio equipment
- ✓ Pressure equipment
- ✓ Personal protective equipment
- ✓ Gas appliances
- ✓ Machinery
- ✓ Equipment for use outdoors
- ✓ Eco-design
- ✓ Aerosols
- ✓ Low voltage electrical equipment
- ✓ Restriction of hazardous substances

Products covered by the UKCA marking but have some special rules

- Medical devices
- Rail interoperability
- Construction products
- Civil explosives

Using the UKCA marking and placing your products on the GB market



Using UKCA to place goods on the market in Great Britain



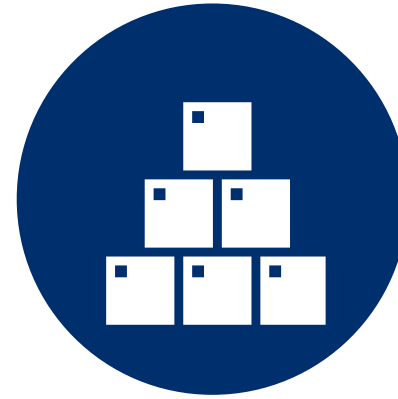
Check the appropriate route for conformity assessment

Use a UK conformity assessment body or self-assess and complete documentation



Draw up the appropriate technical documentation

You will need to have the right technical documentation to show your product is compliant



Apply the UKCA marking to your product

Ensure the UKCA marking is placed correctly to comply with product regulations



Place your product on the market

Check you understand the definition of placing products on the market

Getting your products conformity assessed



Check whether your product requires third party assessment or self-assessment. If you need third party conformity assessment, you should approach a UK approved conformity assessment body immediately.

Speak to a conformity assessment body to understand your options, especially if you sell products in multiple markets.



GB market: All UK-based 'Notified Bodies' have automatically become UK 'Approved Bodies' for the GB market as of 1 January 2021. You can find details of UK bodies on the UKMCAB database.

NI market: UK bodies approving for the NI market will remain 'Notified Bodies'. These 'Notified Bodies' can be based anywhere in the UK. EU bodies will continue to be recognised as competent to certify for the NI market.



EU market: As of 1 January 2021, mandatory conformity assessments by UK bodies are no longer recognised in the EU.

Documentation



You must keep documentation to demonstrate that your product conforms with the regulatory requirements. This information can be requested at any time by market surveillance authorities to check that your product is compliant.

The information you must keep depends on the specific legislation which applies to your product and which 'economic operator' you are in the supply chain.



You must keep general records in the form of a technical file.



A **UK Declaration of Conformity** must be drawn up for most products lawfully bearing a UKCA marking.



It should declare the product conforms with the relevant statutory requirements



Has the name and address of the manufacturer (or authorised representative) alongside information about the product and the conformity assessment body (if relevant).

The information required is similar to the EU Declaration of Conformity and there is [more information on gov.uk](#).

You should arrange for separate certificates for the UK and EU markets to be ready well in advance of 1 January 2023.

What is ‘placing goods on the market’?

An individual manufactured good is placed on the market when it is **first made available** for distribution, consumption or use on the GB market in the course of a commercial activity.



Manufacturers and importers are the only ‘economic operators’ to place goods on the market

- Any other operation, such as supply from distributor to an end-user is defined as ‘**making available**’.



Proof of placing on the market can be through documents usually used in business transactions.



Putting into service takes place the first time a good is used by the end user in GB for its intended purpose.

- UKCA marking requirements must be met first before the good can be placed on the market and put into service.

Placing on the market in Great Britain visualised



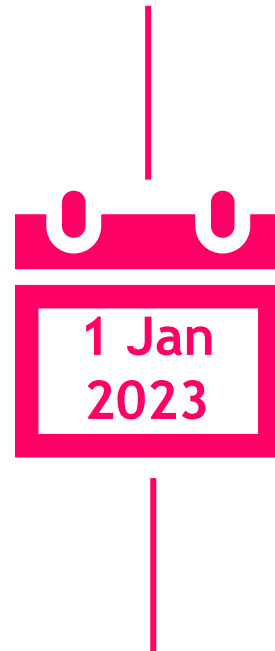
Any goods lawfully placed on either EU or UK markets before **31 December 2020**, can continue to circulate between both markets until they reach their end user.

The same product type from the same manufacturer placed on the market for the first time in Great Britain either side of the 1 Jan 2023 will therefore have different rules.



A printer placed on market in GB for the first time **before** 1 Jan 2023:

- CE or UKCA marking can be used.
- Any individual CE marked good placed on the market in GB before 1 Jan 2023 can continue to circulate to its end user after that date.



A printer placed on market in GB for the first time **on or after** 1 Jan 2023:

- The UKCA marking must be used.
- The UKCA marking can be attached via a label or accompanying documents until 1 Jan 2024.
- The CE marking is not valid for the GB market. Though it can be present alongside the UKCA for other markets.

Economic Operators: Roles and Responsibilities



Defining economic operators



Manufacturer

The manufacturer is anyone who manufactures a product or has a product designed or manufactured and markets that product under its name or trademark.



Importer

The importer is a person who is the first to place goods from an external market onto the market that they are established and operate in.



Distributor

The distributor is a person, other than the manufacturer, importer or the end user, who makes goods available on the market.



Authorised Representatives

An “authorised representative” means a person or business appointed and mandated by the manufacturer to undertake specified tasks on behalf of the manufacturer.

Check legal responsibilities for new approach goods



The responsibilities of 'economic operators' who deal with CE or UKCA marked goods changed on 1 January 2021. Economic operators include manufacturers, importers, distributors and authorised representatives.



UK-based distributors of EU goods may become 'importers' - and vice-versa. Compared to distributors, importers have additional duties to ensure products are compliant with product standards and must ensure their address is on a product.



Authorised Representatives must be based in GB or NI for the GB market. GB-based Authorised Representatives aren't recognised in the EU.

Responsibilities of Importers



Importers have additional duties to ensure products are compliant with product standards. These duties include:



Labelling goods with importer details. Until 31 December 2022, these details can be on an accompanying document rather than on the good itself



Ensuring the manufacturer has fulfilled their obligations



Keep a copy of the declaration of conformity and ensure the relevant technical documentation can be made available to enforcement authorities upon request



These importer responsibilities apply for goods placed on the GB market regardless of whether they are CE or UKCA marked

Placing goods on the NI market

You can use the CE mark or UKNI and CE mark



Placing goods on the NI market



1

The Northern Ireland Protocol is now in force. For as long as it applies, goods placed on the market in NI will need to meet relevant EU rules.

2

You can continue to use the CE marking if you either undertake self-assessment or use an EU notified body for third party conformity assessment.

3

You can also use a UK Approved body for third party conformity assessment. Your product will still be tested against EU rules and you will need to use both the UKNI and CE markings.

Key points

- You can never apply the UKNI marking on its own.
- Goods assessed by a UK approved body with the 'CE UKNI' marking are not valid for the EU market.
- If you use an EU Notified Body, you only need the CE marking.
- The UKCA marking will not be valid for the NI market.

Placing qualifying NI goods on the GB market



The Government has guaranteed Unfettered Access for qualifying Northern Ireland goods to the rest of the UK market. Qualifying goods are those in free circulation in Northern Ireland.



This means that qualifying Northern Ireland goods marked with the CE marking or CE plus UKNI marking can be placed on the GB market, even if EU and GB rules diverge.



Guidance is also available on gov.uk on how you can check whether your goods qualify for the arrangements in place to support NI's unfettered access to the rest of the UK market.

Importer responsibilities and NI

UK
NI



Placing goods on the NI market from GB or non-EU countries

You are an importer if you bring goods into NI from GB or another non-EU country and place them on the NI market.

You need to make sure goods are labelled with your details and the correct conformity assessment procedures have been carried out, among other responsibilities.



Placing goods on the GB market from outside the UK

You are an importer if you are an NI business placing goods from outside the UK on the GB market. This includes goods that have been supplied to you from the EU that you want to sell in GB.

These goods will need to be labelled with your details.

Next steps



Finding and understanding regulations



To understand the specific requirements for your goods you will need to check industry guidance.



Guidance is available on GOV.UK in an A-Z of industry guidance from the Office for Product Safety and Standards.



GOV.UK has sets of regulations for each product type for the GB market and for NI market.



Product regulations note whether you can self-declare for your good, how to place the marking and any specific requirements which are particular for your product



Key messages: Take action now



- 1 Check if your product needs third party testing or if you can self-declare.
- 2 If you require third party assessment, contact a conformity assessment body as soon as possible to ensure your product can be tested in time for 1 January 2023. Use the UKMCAB data base to find one.
- 3 If you self assess, start using the UKCA marking as soon as possible.
- 4 Ensure economic operators and suppliers in your supply chain understand their responsibilities and the new requirements.



UK
CA

More help

🖱 www.gov.uk/ukca

✉ goodsregulation@beis.gov.uk



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Case study: electronic goods on the GB market



A UK company purchases digital magnifying equipment from an EU based company and distributes these to companies in Great Britain for sale. The EU company has an authorised representative based in the UK already.

As there is already an authorised representative based in the UK, they want to understand what, if any, responsibilities are required of the importer, and if are they still required to hold the technical file and be responsible for UKCA compliance.

They wish to know whether, if an authorised representative is present, they are an importer responsible for the product, or a distributor due to the presence of an authorised representative.

Authorised representatives

- An “authorised representative” means a person or business appointed and mandated by the manufacturer to undertake specified tasks on behalf of the manufacturer.

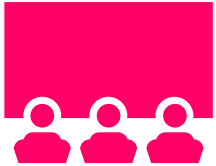
Importer responsibilities

- Importers are required to provide their name and address on the product or documents, retain a copy of the declaration of compliance, and ensure that technical documentation is accessible to enforcing authorities upon request.

Distributor obligations

- The distributor is a person, other than the manufacturer, importer or the end user, who makes goods available on the market.
- They are obliged to check products for the appropriate conformity assessment marking.

Webinars and General Guidance



Webinar programme on the New UK Regulatory Regime:

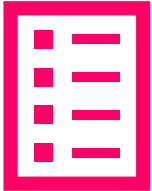
The Department for Business, Energy and Industrial Strategy is running a series of [Webinars](#) on the new UK regulatory regime for goods for businesses.



Further guidance is available for businesses

- [Guidance](#) on using the UKCA marking
- [Guidance](#) on using the UKNI marking
- [Guidance on placing goods](#) on the market in Great Britain
- [Guidance on placing goods](#) on the market in Northern Ireland
- [UKMCAB database](#) of UK conformity assessment bodies (approved bodies)

Sector specific guidance



Further guidance on particular product sectors is also available for businesses:

- [A-Z of industry guidance](#) to understand requirements for product types
- [Guidance](#) on placing construction products on the market in Great Britain
- [Guidance](#) for regulating medical devices in the UK
- [Guidance](#) on placing Civil Explosives on the market
- [Guidance](#) for rail interoperability products
- [Guidance](#) for the manufacturing and marketing of fertilisers
- [Guidance](#) for designated standards for cableway installations
- [Guidance](#) on Restriction of the Use of Certain Hazardous Substances (RoHS) in Electrical and Electronic Equipment Regulations (EEE)