BREXIT ISSUES

Overview for UK manufacturers placing products on the markets of Great Britain & Northern Ireland: Conformity Assessment Marking

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The New Landscape as at 1st January 2021 (1)

- UK CPR – Amended Statutory Instrument *The Construction Products (Amendment etc.) (Exit) Regulations 2019*

UK Notified Bodies

- Become UK Approved Bodies
- Introduction of a new UK database lists all UK Approved Bodies
- Approved Bodies commence conformity assessment to UK Designated Standards
- Where a UK Notified Body has undertaken tasks or issued AVCP certification before 1/1/21, those tasks &/or certification to be used to support affixing the new UKCA marking if product placed on the GB market
- EU Notified Bodies are required to share information with UK Approved Bodies when requested by a certificate holder & vice versa
- Can still act as Notified Bodies for Northern Ireland market [CE & UK(NI) marking only]

The New Landscape as at 1st January 2021 (2)

UK Standards

- BS hENs become UK Designated Standards

UKCA Marking

- Commence affixing to products placed on the GB market
- Products placed on the NI market require the CE marking + UK(NI) mark together **NOT** UKCA mark

Temporary continued use of CE marking in 2021

- CE mark only remains valid in GB where GB & EU rules remain the same
- If EU rules change, products CE marked to these changed rules can no longer be sold in the GB even before 31/12/21

Technical Assessment Bodies (TABs)

- UK based TABs commence technical assessment for the UK market
- Enabling UKCA marking to be affixed
- UK TABs may collectively form an organisation to undertake the role of developing & adopting assessment documents (UK version of EADs)

1st January 2022

- Transition period ended
  - Mandatory use of the UKCA mark in GB starts
  - CE mark *on its own* is no longer valid in GB if:
    - ❖ You currently apply CE marking based on self-declaration
    - ❖ Mandatory third party conformity assessment was undertaken by an EU Notified Body
    - ❖ The certificate of conformity previously held by a UK Approved body was transferred to an EU Notified Body
  - Products must affix the UKCA mark & comply with relevant UK rule
  - UKCA mark can only be affixed if third party assessments have been carried out by a UK Approved Body
  - Products bearing the CE mark still valid for sale in UK if they also carry the UKCA mark & comply with relevant UK rules

Manufacture's actions for placing products on the GB market as from 1st January 2021 (1)

- Ensure products meet UK rules (UK- CPR)
- Check that your UK Notified Body is continuing as a UK Approved Body for your products
- Use of a UK Approved Body only is required to enable affixing of the UKCA marking
- Process of affixing the UKCA mark
  - Affix to the product, a label attached to product, its packaging or accompanying documentation
  - Must be affixed by the manufacturer or their appointed authorised representative
  - Manufacturer taking full legal responsibility for products conformity with requirements of the UK-CPR
  - Use of UKCA mark shows product conforms to relevant UK legislation
  - No other marks can be used which may misconstrue the meaning or form of the UKCA mark to third parties or affect its visibility, legibility or meaning

Manufacture's actions for placing products on the GB market as from 1st January 2021 (2)

- **Use of the UKCA marking**
  - If product for GB market
  - It is covered by the UK–CPR
  - Requires third party conformity assessment
  - Assessment undertaken by a UK Approved Body (& you have not transferred your files to an EU-27 body before 1/1/21)
- **Existing Stock**
  - Products fully manufactured & ready to be place on the market before 1/1/21 can still be sold in GB with a CE marking even if covered by a certificate of conformity issued by a UK body

Manufacturers sending products from GB to Northern Ireland from 1st January 2021

- **Need to use a conformity assessment mark if placing products on the NI market**
  - CE mark to show conformity with EU rules
  - UK(NI) mark to show conformity with UK rules

- **How to use these marks depends on:**
  - Which certification body is used
  - Whether you self-certifying or require third party conformity assessment

- **This decision means that products will be valid for different markets**
  - **Using a EU Notified Body**
    - Can apply the CE marking
    - Products valid in both the UK & all EU markets
  - **Using a UK body**
    - Apply the CE mark PLUS the additional UK(NI) mark together
    - Products valid for UK market only
    - Products cannot be placed on the EU market
- **Products carrying only the UKCA will not be valid in NI**

Northern Ireland manufacturers sending products to Great Britain from 1st January 2021

- No new restrictions
- No matter whether products certified against RU or UK rules, though requirements may differ
- If self-certifying or mandatory third party certification required, both use the UKCA

Manufacture's other actions for placing products on the GB market as from 1st January 2021

- **Other obligations of manufacturers**
  - The physical UKCA marking
    - ❖ Reducing or enlarging its size must be in proportion to the official version
    - ❖ Minimum height is 5mm
    - ❖ Must be easily visible & legible
    - ❖ From 1/1/23 must be permanently attached
  - We await information about the appearance of the CE & UK(NI) marking
    - ❖ Will this be a combined mark, or
    - ❖ Two separate marks placed side by side?
  - **Record keeping**
    - ❖ Demonstrate that product conforms with regulatory requirements
    - ❖ Keep for 10 years

Questions

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