

# Using the UKCA mark from 1st January 2021

<https://www.gov.uk/guidance/using-the-ukca-mark-from-1-january-2021>

## UKCA – New Rules from January 2021

- The UKCA (UK Conformity Assessed) marking is a new UK product marking that will be used for goods being placed on the market in Great Britain (England, Wales and Scotland). It covers most goods which previously required the CE marking.
- The UKCA marking alone cannot be used for goods placed on the Northern Ireland market, which require the CE marking or UK(NI) marking. See the guidance on placing goods on the Northern Ireland market.
- The UKCA marking will apply to most goods currently subject to the CE marking. The technical requirements ('essential requirements') you must meet – and the conformity assessment processes and standards that can be used to demonstrate conformity – will be largely the same as they are now.
- Check whether you will need to use the UKCA marking by reading the guidance on placing manufactured goods on the market in Great Britain
- **There is separate guidance for construction products.**

# UKCA – New Rules specifically related to Construction Products

<https://www.gov.uk/guidance/construction-products-regulation-from-1-january-2021>

- This guidance is about placing construction products on the GB market. The GB market refers to England, Wales and Scotland.
- Note: This guidance does not cover goods placed on the Northern Ireland market or goods placed on the GB market from Northern Ireland. Guidance on this will follow.
- Businesses will be able to use the UK mark from 1 January 2021. To allow businesses time to adjust, some CE marked goods, that meet EU requirements, may continue to be placed on the UK market. However, this arrangement **will end on 1 January 2022**
- The government has made a statutory instrument which will come into effect on 1 January 2021. Please note, the government proposes to amend this statutory instrument to take into account the effect of the Withdrawal Agreement and Northern Ireland Protocol. Further changes may be made if the UK and EU establish different arrangements under the future trade agreement.

## UKCA – New Rules specifically related to Construction Products

- Designated standards
  - All existing harmonised European standards will become UK ‘designated standards’. This will mean that immediately after the end of the transition period harmonised European standards and UK designated standards will be identical.
  - The government will publish and maintain the list of these designated standards on a UK Database.
- Transitional provision for CE marked products already placed on the UK market
  - Under the terms of the Withdrawal Agreement, goods lawfully marked with the CE mark and placed on the EU market before the end of the transition period can continue to circulate until they reach their end user, whether they are in the UK or the EU.
- Market surveillance
  - The UK will have powers to carry out market surveillance and enforcement (Trading Standards in GB and Environmental Health Officers in NI) to ensure that non-compliant products can be removed from the UK market. The government is developing UK databases to support this work.

# UKCA – New Rules specifically related to Construction Products

- UK ‘Approved Bodies’
  - UK notified bodies operating under the EU Construction Products Regulation 2011 (EU Regulation No. 305/2011) and based in the UK will be granted new UK ‘approved body’ status and listed on a new UK database. Notified bodies established in the UK were contacted in February 2019 with more details about how the process of becoming a UK approved body will be managed.
  - Approved bodies will be able to undertake conformity assessment activity for UK designated standards. Where an approved body has undertaken the assessment, the manufacturer (or their authorised representative) must affix the UK marking. Rules around affixing the new UK marking will be equivalent to current CE marking.
  - Where a UK notified body (which becomes a UK approved body) had carried out tasks or issued certification in relation to the Assessment and Verification of Performance (AVCP) for a product before 1 January 2021, then those tasks and/or that certification may be used to support affixing of the UK marking if the product is placed on the GB market after this date.
  - The United Kingdom Accreditation Service (UKAS) will continue to be the UK’s national accreditation body for accrediting UK approved bodies under the UK Construction Products Regulation.

## UKCA – Actions for businesses and other stakeholders

- Placing construction products on the GB market
  - ‘Placing on the market’ means the first making available of a construction product on the GB market. ‘Making available on the market’ means any supply of a construction product for distribution or use on the GB market in the course of a commercial activity, whether in return for payment or free of charge.
  - Businesses **must** prepare for the end of recognition of the CE mark in GB and affix the UK marking using a **UK-recognised ‘approved body’**.
  - To provide sufficient time for businesses to transition to the new requirements, **products can continue to be placed on the UK market without any need for reassessment or re-marking if EU requirements are met (including CE marking)**. Any third-party conformity assessment must continue to be carried out by an EU-recognised notified body during this time. **Ends 1<sup>st</sup> January 2022**

## UKCA – Actions for businesses and other stakeholders

- Distributors in the EU who bring products in from the EU to the GB market will, in most cases, now be classified as ‘importers’, bringing in products to the GB from a third country<sup>1</sup>. This change in status will bring new obligations such as:
  - a requirement for importers to label their products with their name and address
  - ensuring that the assessment and verification of constancy of performance (AVCP) requirements has been carried out by the manufacturer
  - the product must bear the conformity marking
  - ensuring that the manufacturer has complied with their labelling obligations.
- **GB economic operators - whether manufacturers, importers, distributors or authorised representatives - should consider taking professional advice to make sure that they understand their status and obligations under the new GB regulatory framework.**
- Annex B: Authorised representatives <https://www.gov.uk/guidance/construction-products-regulation-from-1-january-2021#foot2>

## UKCA – Annex C: Technical Assessment Bodies

- From the end of the transition period, UK-based technical assessment bodies will be able to carry out the technical assessment of construction products for the UK market. The products may then be affixed with UK marking.
- Current technical assessment bodies based in the UK will not need to seek re-accreditation and will be granted status as a UK 'technical assessment body' and listed on a new UK database.
- Technical assessment bodies will be responsible for drawing up and adopting UK assessment documents. (The UK technical assessment bodies may collectively form an organisation to undertake the role of developing and adopting assessment documents.)

## UKCA – So what does that all mean?

- Product testing methods and basics of the harmonised standards appear to be the same for now.
- Some issue with the harmonised barrier standards which, as we know, have not been cited in OJEU?
- Some lack of clarity for importers based in the UK who are advised to seek legal advice?
- UK manufacturing companies will need separate EU and UK certificates assuming they want to sell in both markets
- UK manufacturers who are currently using EU based Approved Bodies will need to find a UK body for their UKCA certificate.
- Does this open the door for additional UK requirements related to the UKCA certification? Is that desirable?
- Where does that leave our status in CEN?

## B/553\_20\_0183 Withdrawn & Outdated Standards

The Commission has encountered situations with withdrawn (and therefore “non-existing”) and outdated standards. 3 Common situations:

1. Standards listed in the Official Journal of the EU (OJEU) but withdrawn by the European Standardisation Organisation (CEN)
2. **Technically obsolete standards listed in the OJEU whose new version cannot be listed because of non-compliance with CPR**
3. Standards listed in OJEU contain references to withdrawn or obsolete standards.

## B/553\_20\_0183 Withdrawn & Outdated Standards

**Technically obsolete standards listed in the OJEU whose new version cannot be listed because of non-compliance with CPR. Possible action:**

Assessment of the difference of the level of the technical development between the “new” and “old” standard has to be made on a case-by-case basis, and the differences have to be classified as “significant” (e.g. improved safety of citizens, acceptance criteria in the Member States, application of new technologies, etc.) or “non-significant”.

- The distinction between “significant” and “non-significant” difference in the technical content of a standard is made by the Commission in close collaboration with the Member States and in consultation with the stakeholders.
- In the case of significant differences the “old harmonised standard” will be “delisted”. The products covered by the standard cannot be CE marked anymore, and **the market operators are invited to apply mutual recognition when trading across borders**. In the context of a normal standard revision the “new revised standard” would need to be made CPR compliant in order to ensure its citation.
- In the case of non-significant differences, the citation of “old harmonised standard” can stay, and in the context of a normal standard revision the “new revised standard” would need to be made CPR compliant in order to ensure its citation.
- After the initial internal consultation, the likely procedure to follow in order to “delist” a cited standard is that of the formal objection procedure.
- Member States may also initiate a formal objection procedure.

## B/553\_20\_0183 Withdrawn & Outdated Standards

### Next steps:

- The Commission prepares a list of standards relevant to three situations described above. Member States and stakeholders are invited to contribute and signal any such cases to the Commission in order to facilitate the review.
- Once the list is prepared the Commission will circulate it back to the Advisory Group for corrections and additions.
- The summary of the analysis will be presented in the AG of September, and the implementation of it will start.