

**CE or what is it to be?
That is the question post BREXIT.**

A Guide to the new UK Conformity Mark

**UK
CA**

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BWF Members Day, June 2022

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bsi.

Agenda

- BSI Background
- Brexit – impact on UK product regulations
- Timelines and definitions
- The “UKCA” mark for Great Britain
- Northern Ireland
- Divergence
- Questions?

UK
CA

UK
NI

One BSI: Inspiring trust for a more resilient world

Our business is enabling others to realize their potential and perform better.

Knowledge

- Standards Development
- Services
- Information Solutions

Assurance Services

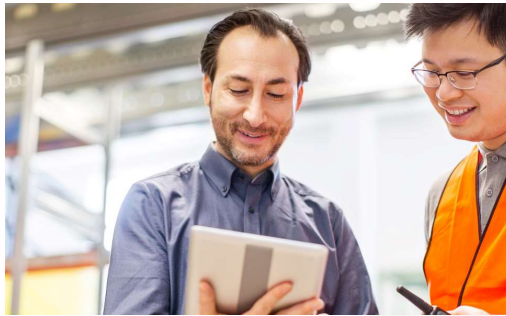
- Systems Certification
- Product Certification
- Training

Regulatory Services

- Systems and Product Certification of Medical Devices

Consulting Services

- Consultancy
- Supply Chain Solutions



National Standards Body

UK Approved Body

Enabling organizations to access global markets

Trusted expertise in standards enabling manufacturers around the world to bring their products to market



To Summarise:

We focus on delivering trusted expertise in certification and market access requirements to enabling clients to produce safe, secure and sustainable products and ultimately be more resilient

Brexit

- CE Marking applied to most products supplied into the UK since the 1990's...
- The UK left the European Union on **31 January 2020** following a 2016 referendum
- The transition period ended on **31 December 2020**

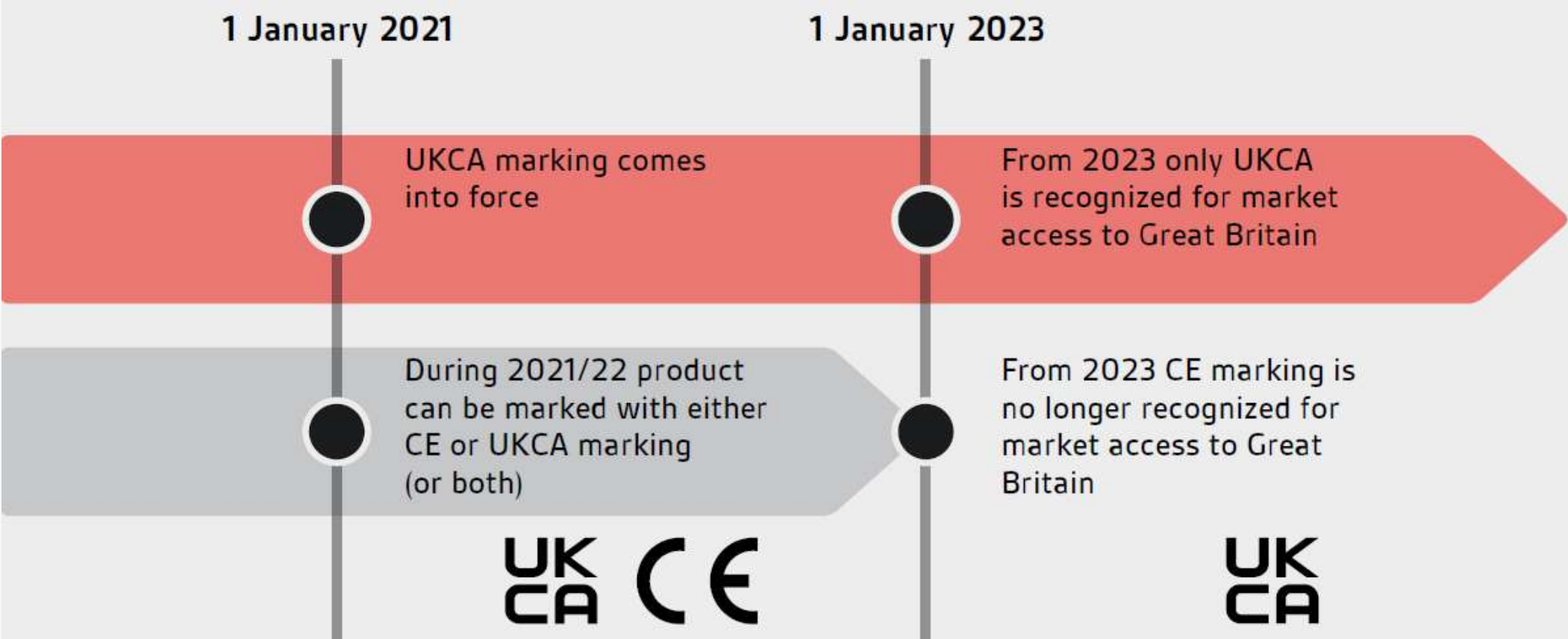


The UKCA Mark

The UKCA Mark logo consists of the letters 'UK' stacked above 'CA' in a bold, black, sans-serif font. The letters are large and widely spaced.

- “UK Conformity Assessed”
- Can be affixed from 1 January 2021
- Must be affixed to most products from 1 January 2023
- Operates in broadly the same manner as CE marking

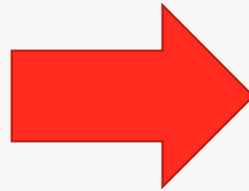
Timelines



Overview



Affixing the CE Mark to a product declares compliance with all relevant EU Regulations



Affixing the UKCA Mark to a product declares compliance with all relevant UK Regulations

Overview



EU Directives &
Regulations

- Low Voltage
- EMC
- Gas Appliances
- Pressure Equipment
- Machinery
- ROHS
- PPE
- Construction Products
- Marine Equipment
- ...Etc, etc

*The Product Safety and Metrology
etc. (Amendment etc.) (EU Exit)
Regulations 2019 (& 2020)*



"The Great Repeal Act"



UK Regulations

Each of the "CE Marking"
regulations is now "frozen"
into UK law with the content
that it had in 2019

The UK and EU
requirements remain largely
identical from a technical
perspective...

UK Regulation Framework - Examples

EU Directives & Regulations	UK Regulations
Low Voltage Directive	Electrical Equipment (Safety) Regulations 2016
EMC Directive	Electromagnetic Compatibility Regulations 2016
Gas Appliances Regulation	Regulation 2016/426 on gas appliances as brought into UK law and amended
Radio Equipment Directive	Radio Equipment Regulations 2017
Pressure Equipment Directive	Pressure Equipment (Safety) Regulations 2016
Construction Products Regulation	Construction Products Regulations (Regulation (EU) 305/2011 as brought into UK law and amended)
PPE Regulation	Regulation 2016/425 on personal protective equipment as brought into UK law and amended
ROHS Directive	The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012
See (https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain#legislation)	

The key differences (for now)...

EU Directives &
Regulations



Manufacturer must draw up an
“**EU Declaration of Conformity**”
for their product



UK Regulations



Manufacturer must draw up a
“**UK Declaration of Conformity**”
for their product

The key differences (for now)...

EU Directives &
Regulations



Many EU regulations require the use of an EU appointed “**Notified Body**” to perform conformity assessment, product inspections and/or conduct factory quality inspections as part of the attestation process.



UK Regulations



UK regulations have the same requirement but this activity now must be performed by a UK-appointed “**Approved Body**” such as BSI

Notified v Approved Bodies

UK Regulations



All appointed “**Approved Bodies**” are listed on the “UK Market Conformity Assessment Bodies” (UKMCAB) database website – this is the definitive place to check if a body has been notified to support UKCA marking.

BSI Assurance UK Ltd

Kitemark Court, Davy Avenue, Knowlhill, Milton Keynes, MK5 8PP

From: [Department for Business, Energy & Industrial Strategy](#)

Published 3 December 2020

Body number: **0086**
Last updated: **31 October 2019**
Body type: **Approved body, NI Notified body**
Registered office location: **United Kingdom**
Testing locations: **United Kingdom**
Website: **www.bsigroup.com**
Email: **Medical devices: MedicalDevices@bsigroup.com / Other areas: regulatory.enquiries@bsigroup.com**
Phone: **+44 (0)845 080 9000**
Legislative area: **Construction products, Ecodesign, Gas appliances and related, Lifts, Marine equipment, Measuring instruments, Medical devices, Personal protective equipment, Pressure equipment, Radio equipment, Transportable pressure equipment**

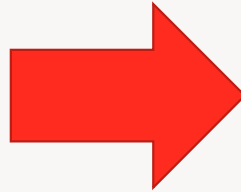
Notified v Approved Bodies

CE

600 Notified Bodies (All regulations)

Can be found on the NANDO website:

<https://ec.europa.eu/growth/tools-databases/nando/>



UK
CA

135 Approved Bodies (All regulations)

Can be found on the Gov.UK website:

<https://www.gov.uk/uk-market-conformity-assessment-bodies>

EU/UK Trade and Cooperation (Withdrawal) Agreement



Did not include mutual recognition of conformity assessment results

Further clarified by UKAS continued membership of European co-operation Accreditation (EA) Nov 2021

EA Multilateral Agreement only applicable outside regulations and directives

Manufacturers - confirm status of certificates and test reports with your EU Notified/UK Approved Body

No Mutual Recognition – What Does This Mean? (current situation)

Certificates issued
by EU Notified
Bodies not
accepted for UKCA
(AVCP 1+,1, 2+)



Test reports issued
by EU Notified
Bodies before
31/12/2022 are
accepted for UKCA
(AVCP 3)*



Test reports issued
by EU Notified
Bodies after
31/12/2022 not
accepted for UKCA
(AVCP 3)*



* New information issued by UK Govt. on 20.06.2022
<https://www.gov.uk/guidance/construction-products-regulation-in-great-britain>

Format of UKCA mark

The UKCA mark logo consists of the letters 'UK' stacked above 'CA' in a bold, black, sans-serif font. The letters are large and widely spaced.

- For Regulations where no **Approved Body** is required, for example
 - Electrical equipment
 - ROHS
 - EMC
 - Toys
 - Some machinery & pressure equipment
 - Some construction products
- Operates by self declaration as with CE Marking

Displaying the UKCA mark



- For Regulations where an **Approved Body** is required, for example
 - Gas Appliances
 - Most construction products
 - Radio Equipment
 - Personal Protective Equipment
 - Dangerous Machines (Annex IV)
 - Most pressure equipment
- <https://www.gov.uk/guidance/using-the-ukca-marking>

Markings can be combined...



- ✓ CE Marking activity can only be undertaken by an EU "Notified Body"
- ✓ UKCA Marking activity can only be undertaken by a UK "Approved Body"
- ✓ The **UKCA** Mark may be combined with the **CE** Mark on products for both EU & GB markets

UK Declaration of Performance (to include),



- The UKCA mark
 - Name and address of manufacturer
 - Product identification/model number
 - UK approved body number (eg:0086)
 - Relevant legislation
 - Product performance
 - Date of issue
 - Name and signature
-
- Refer to <https://www.gov.uk/guidance/using-the-ukca-marking> or Annex ZA of the UK Designated Standard

Role of Standards... UKCA Marking

- UK regulations recognize the importance of standards in the same way
- Compliance with appropriate standards gives “presumption of conformity” under most regulations
- Compliance with appropriate standards may be mandatory for some regulations (eg: Construction Products)
- Appropriate standards are called “**Designated Standards**” in the UK
- These are currently identical to the EU lists, but can be expected to diverge
- Will be EN standards, but could be ISO, IEC, BS etc
- <https://www.gov.uk/guidance/designated-standards>

Designated Standards... UKCA Marking

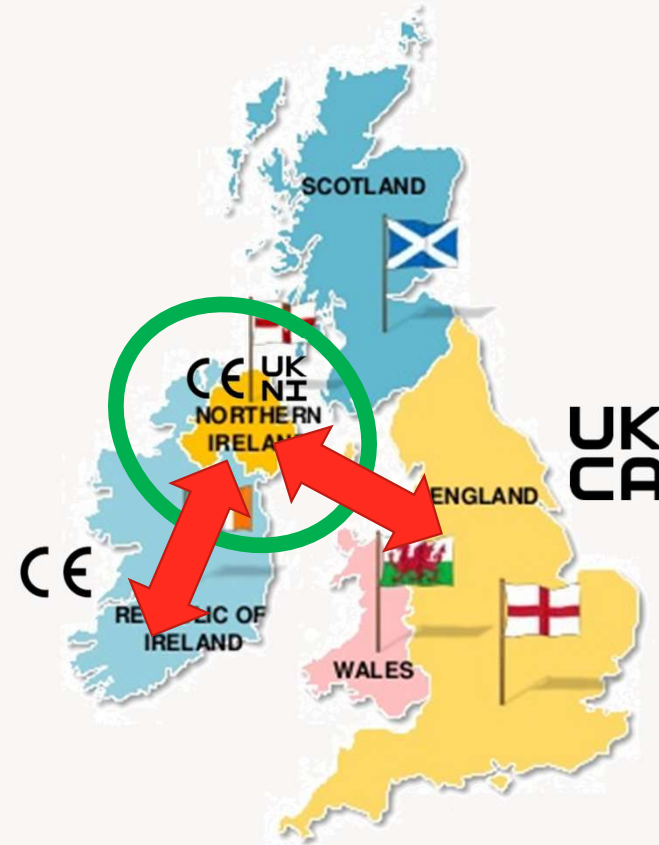
440 standards have been designated for

The Construction Products (Amendment etc) (EU Exit) Regulations 2019

legislation reference (A)	Reference number of the designated standard (B)	Title of the designated standard (C)	Notice of Publication reference (1)	Restriction (2)	Notice of Publication reference of a restriction (3)	Reference of superseded standard (4)	Title of superseded standard (5)	Beginning of the coexistence period (dd.mm.yyyy.) (4)	End of the coexistence period (dd.mm.yyyy.)
	already in notices of publication. It contains all references which, when the summary was generated, still provided a presumption of conformity together with references already withdrawn. The summary does not as such generate legal effects.								
regulation (EU) No 05/2011	EN 1:1998, EN 1:1998/A1:2007	Flued oil stoves with vaporizing burners	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 40-4:2005	Lighting columns – Part 4: Requirements for reinforced and prestressed concrete lighting columns	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 40-5:2002	Lighting columns – Part 5: Requirements for steel lighting columns	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 40-6:2002	Lighting columns – Part 6: Requirements for aluminium lighting columns	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 40-7:2002	Lighting columns – Part 7: Requirements for fibre reinforced polymer composite lighting columns	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-2:1937 EN 54-2:1937/AC:1939 EN 54-2:1937/A1:2006	Fire detection and fire alarm systems – Part 2: Control and indicating equipment	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-3:2001 EN 54-3:2001/A2:2006 EN 54-3:2001/A1:2002	Fire detection and fire alarm systems – Part 3: Fire alarm devices – Sounders	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-4:1937 EN 54-4:1937/AC:1939 EN 54-4:1937/A1:2002 EN 54-4:1937/A2:2006	Fire detection and fire alarm systems – Part 4: Power supply equipment	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-5:2017+A1:2018	Fire detection and fire alarm systems – Part 5: Heat detectors – Point heat detectors	0035/21	-		EN 54-5:2000, EN 54-5:2000/A1:2002	Fire detection and fire alarm systems – Part 5: Heat detectors – Point detectors	01/01/2021	31/08/2022
regulation (EU) No 05/2011	EN 54-7:2018	Fire detection and fire alarm systems – Part 7: Smoke detectors – Point smoke detectors that operate using scattered light, transmitted light or ionization	0035/21	-		EN 54-7:2000, EN 54-7:2000/A1:2002, EN 54-7:2000/A2:2005	Fire detection and fire alarm systems – Part 7: Smoke detectors – Point detectors using scattered light, transmitted light or ionization	01/01/2021	31/08/2022
regulation (EU) No 05/2011	EN 54-10:2002	Fire detection and fire alarm systems – Part 10: Flame detectors – Point detectors	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-10:2002/A1:2005	Fire detection and fire alarm systems – Part 10: Flame detectors – Point detectors	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-11:2001	Fire detection and fire alarm systems – Part 11: Manual call points	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-11:2001/A1:2005	Fire detection and fire alarm systems – Part 11: Manual call points	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-12:2015	Fire detection and fire alarm systems – Part 12: Smoke detectors – Line detectors using an optical beam	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-16:2008	Fire detection and fire alarm systems – Part 16: Voice alarm control and indicating equipment	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-17:2005	Fire detection and fire alarm systems – Part 17: Short-circuit isolators	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-17:2005/AC:2007	Fire detection and fire alarm systems – Part 17: Short-circuit isolators	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-18:2005	Fire detection and fire alarm systems – Part 18: Input/output devices	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-18:2005/AC:2007	Fire detection and fire alarm systems – Part 18: Input/output devices	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-20:2006	Fire detection and fire alarm systems – Part 20: Aspirating smoke detectors	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-20:2006/AC:2008	Fire detection and fire alarm systems – Part 20: Aspirating smoke detectors	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-21:2006	Fire detection and fire alarm systems – Part 21: Alarm transmission and fault warning routing equipment	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-23:2010	Fire detection and fire alarm systems – Part 23: Fire alarm devices – Visual alarm devices	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-24:2008	Fire detection and fire alarm systems – Part 24: Components of voice alarm systems – Loudspeakers	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-25:2008	Fire detection and fire alarm systems – Part 25: Components using radio links	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 54-25:2008/AC:2012	Fire detection and fire alarm systems – Part 25: Components using radio links	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 179:2008	Building hardware – Emergency exit devices operated by a lever handle or push pad, for use on escape routes – Requirements and test methods	0035/21	-		-	-	-	-
regulation (EU) No 05/2011	EN 197-1:2011	Cement – Part 1: Composition, specifications and conformity criteria for common cements	0035/21	-		-	-	-	-

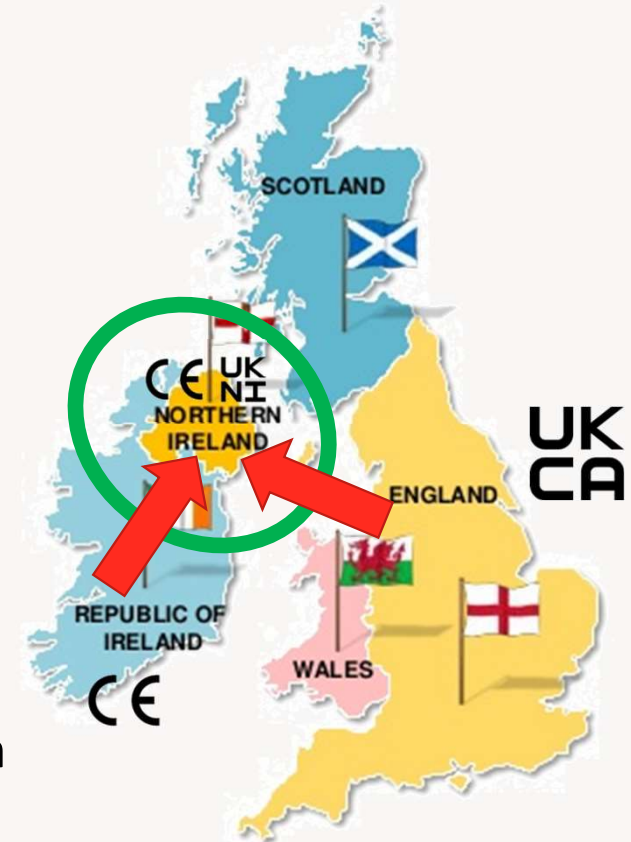
Northern Ireland – a unique challenge

- Northern Ireland Protocol and Anglo-Irish Agreement make the introduction of any hard border politically very difficult.
- Manufacturers in Northern Ireland have unfettered trade with ROI and rest of the UK



Supplying goods **into/out of** Northern Ireland

- Products supplied in Northern Ireland must comply with all relevant **EU regulations**.
- Compliance indicated by the CE mark (using EU Notified Body) or;
- Compliance indicated by the CE UKNI mark (using UK **Notified** Body)
- EU Declaration of Conformity required
- Goods from non-EU (inc GB) are imported
- Goods from EU are distributed
- Authorised Representative (where required) cannot be in GB
- UKCA mark is **NOT ACCEPTED** in NI – UKNI mark is **NOT ACCEPTED** in EU



Importing goods into Northern Ireland

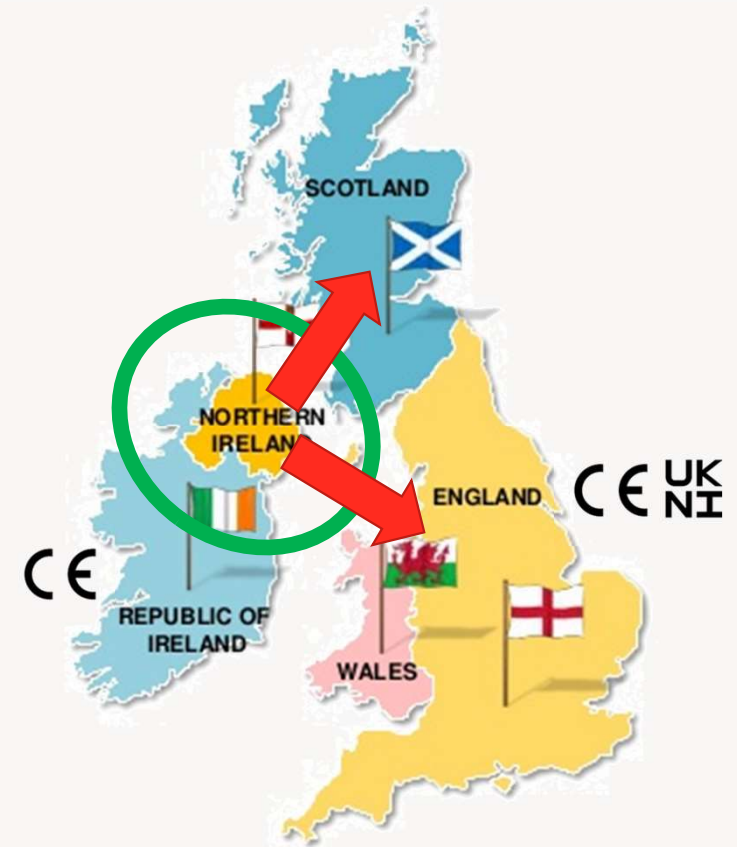
- Companies bringing goods into NI from GB or non-EU countries will become “**Importers**”.
- Most product-safety regulations impose duties on “Importers” to make checks to ensure that products do meet regulations
- For goods from the EU, companies will be “distributors”, with reduced responsibility



For Northern Ireland Manufacturers

- Northern Ireland businesses have unfettered access to the entire UK market
- For “Qualifying Goods” only...
- No further approvals are needed
- So all these marks are acceptable in GB in addition to the UKCA mark...

Notified Body Used	Mark to affix
None needed	CE
EU-27 Notified Body	CE 2797 (EU NB number)
UK Notified Body	CE UK NI 0086 (UK NB number)



Importing & Distributing - Example

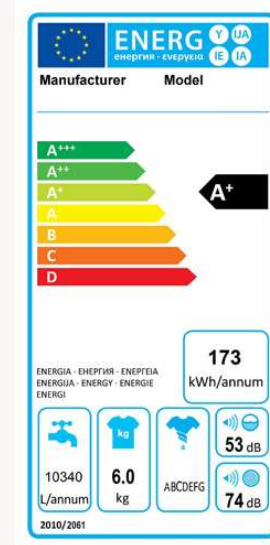
- 1) Goods of origin in the EU
- 2) NI Ireland business is distributor
- 3) But if goods then supplied on to GB the NI business becomes a UK importer
- 4) You cannot route goods through NI to avoid the UKCA regulations in force in GB



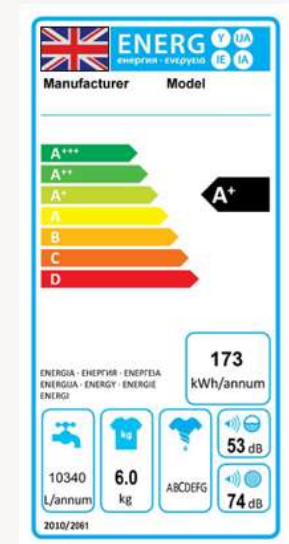
Divergence

- Most technical rules are contained within **standards**, not Regulations.
- UK remains committed to membership of CEN and CENELEC (BSI as NSB)
- UK is likely to continue to use European standards for most products
- Divergence will be small in short term...

EU Energy Label



UK Energy Label



Divergence

1 January 2021

The UK and EU requirements were largely **identical** from a technical perspective...

Divergence over time

Both the UK and EU remain free to amend their regulations or introduce new regulations to suit their own needs. These may or may not be harmonized...

UK
CA

CE

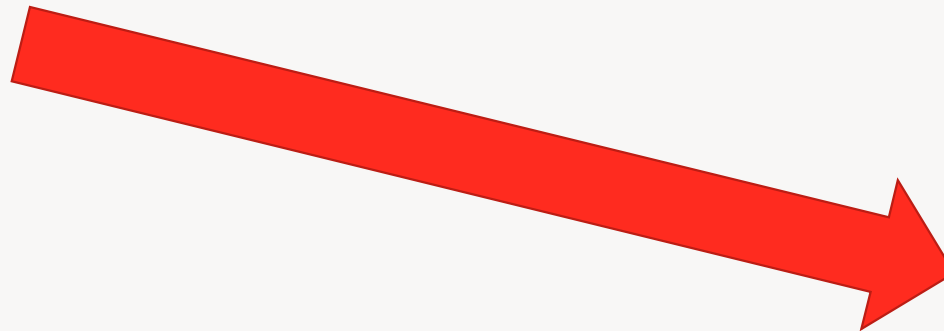
EU-CPR



UK CA



Divergence over time



Both the UK and EU remain free to amend their regulations or introduce new regulations to suit their own needs.

The European Commission has confirmed it will publish a proposal to revise the EU Construction Products Regulation (CPR) on 30th March, 2022*.

CE

(Draft) - UK Construction Products Regulations 2022

Planned secondary legislation linked to The Building Safety Bill

Aim: All construction products on the UK Market to fall under a regulatory regime

A new **general safety requirement** for **all** construction products placed on the UK Market

Maintain existing regulatory approach for products already subject to a UK Designated Standard

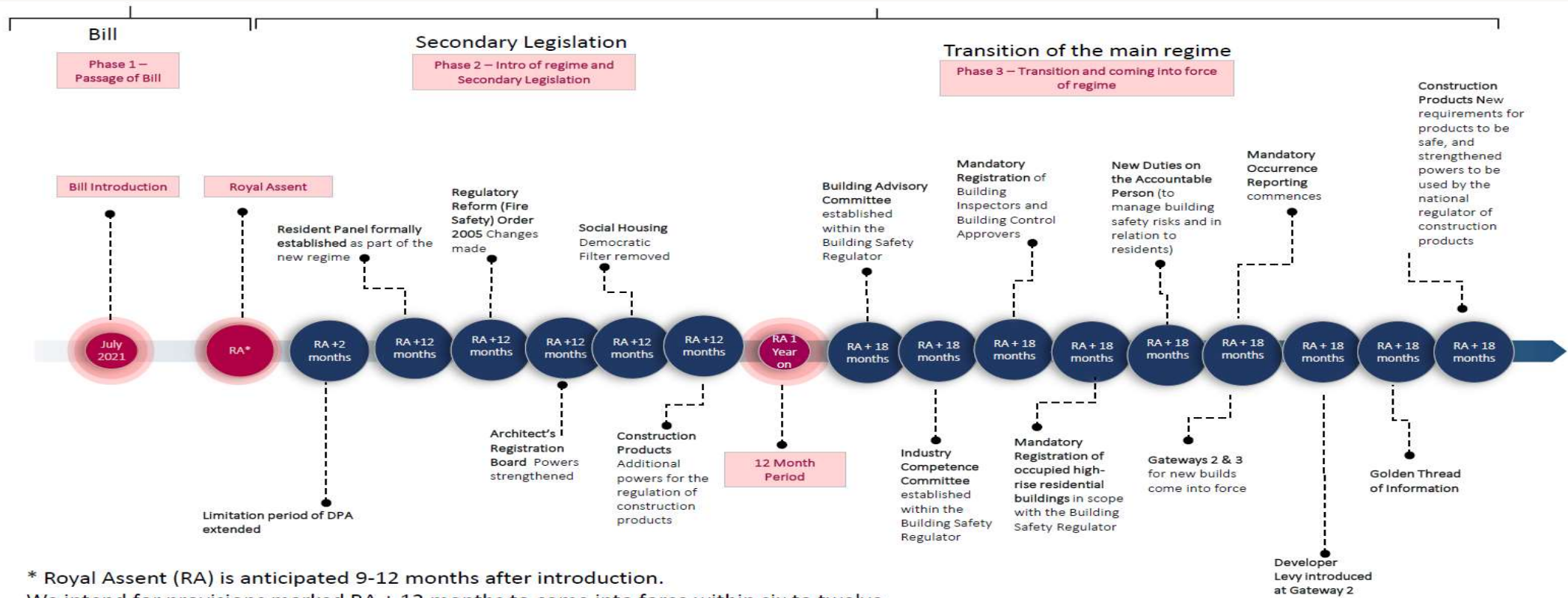
UK
CA

New statutory list of **safety critical products** which are not currently covered by a UK Designated Standard

UK?
CA?

New market surveillance powers for OPSS and Trading Standards

UK Govt. Timeline – Building Safety Bill



* Royal Assent (RA) is anticipated 9-12 months after introduction.
 We intend for provisions marked RA + 12 months to come into force within six to twelve months of Royal Assent.
 We intend for provisions marked RA + 18 months to come into force within twelve to eighteen months of Royal Assent.

Building Safety Bill & Transition

Summary (1)



- The UK left the EU on 31 January 2020 and the agreed transition period ended at the end of 2020
- CE marking continues to be accepted until 1 January 2023
- The UKCA mark has been developed to replace the CE Mark in GB
- Technical requirements are the same but may diverge over time

Summary (2)

- Goods supplied in NI must meet EU Regulations
- Goods from GB are “imported” into Northern Ireland
- Compliance is demonstrated via CE Mark using an EU Notified Body, or the CE UKNI mark if using a UK Notified Body
- Northern Ireland businesses can place qualifying products onto the whole UK market using CE mark or CE UKNI mark

UK
CA

UK
NI

Summary (3) - Links

- <https://www.gov.uk/guidance/using-the-ukca-marking>
- <https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain>
- <https://www.gov.uk/guidance/using-the-ukni-marking>
- <https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-northern-ireland>
- <https://www.gov.uk/guidance/placing-manufactured-goods-on-the-eu-market>
- <https://www.bsigroup.com/en-GB/our-services/product-certification/ukca-mark/>



Question Time

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