



HM Government

UK TRANSITION



# Manufactured goods regulation

Placing goods on the market in GB and NI

**Speaker:**

**Department for Business, Energy and Industrial Strategy**

**Slides accurate as at 20<sup>th</sup> July 2021**

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# Agenda



The UKCA: new domestic regime

**Christopher Smart**- Department for Business, Energy and Industrial Strategy

Designated standards

**Robert Harper**- Office for Product Safety and Standards

Construction Products Regulation

**Ahad Sayed**- Ministry of Housing, Communities and Local Government

Question and Answer

**Abigail Gambel and Claire Mckee**- Department for Business, Energy and Industrial Strategy



# PLACING GOODS ON THE MARKET

## What does my business need to know?

Check which regulations apply to your product: this presentation will focus on new approach goods. Guidance for other products can be found on [gov.uk/transition](https://www.gov.uk/transition)



### New Approach

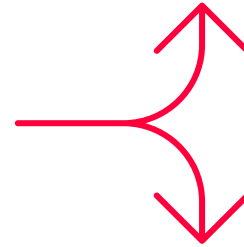
Goods with a CE marking may be placed on the GB market until 1 January 2022 e.g. Toys, PPE, machinery.

It is longer in some cases e.g. medical devices.  
Different rules apply to NI.



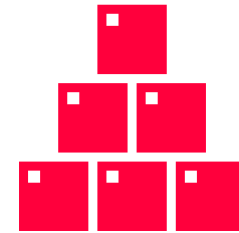
### Old Approach

Rules under standalone regulation models depend on specific goods, e.g. Chemicals, Vehicles, Aerospace.



### Non-Harmonised Goods

Mutual recognition no longer applies to non-harmonised goods, e.g. Furniture.



### Other Goods

There are now special rules for some goods including medical devices, cosmetics, construction products, civil explosives, and products requiring eco-design and energy labelling.

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# KEY ACTIONS FOR BUSINESSES

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Since 1 January 2021 the essential requirements and standards that can be used to demonstrate compliance have remained the same. However, there may be other changes you need to make. Separate guidance for specific sectors can be found on GOV.UK.

Check:

- Which regulations apply to your product
- If you need a new product approval and begin the process as soon as possible
- If you need to appoint a new representative to act on your behalf
- Your supply chains / distributors and understand new legal duties
- What marking / labelling changes apply to your product

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# PLACING NEW APPROACH GOODS ON THE MARKET

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## What does my business need to know?

- If you had already placed CE marked goods on the EU or UK markets before 1 January 2021, you do not need to take any action for those goods. Placing on the market refers to individual goods, not types of goods.
- Businesses should take steps to comply with the new domestic regime.
- CE marked goods that meet EU and GB requirements can continue to be placed on the GB market in most cases until 1 January 2022.
- If you are placing manufactured goods on the EU market you must comply with EU requirements.

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# ENSURE NEW APPROACH GOODS ARE LABELLED CORRECTLY

## What does my business need to know?



CE Marking

- If businesses self-declare or use an EU Notified Body, they can still use the CE marking until 1 January 2022 for goods placed on the GB market (more in some cases). In this case, businesses can use their EU Declaration of Conformity until 1 January 2022.
- The CE marking is still required for products placed on the EU market.
- You can place the UKCA and CE marking on the same product if it is destined for both the GB and EU markets so long as the product meets the rules for both markets.

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UKCA Marking

- New Approach goods assessed against GB rules by a GB 'Approved Body' will need the UKCA (UK Conformity Assessed) marking and a UK Declaration of Conformity.
- You can self-declare for the UKCA marking, as you can with the CE marking.
- Following 1 January 2021, the essential legal requirements that businesses must meet did not change. All harmonised standards became 'designated standards'.



SCAN NOW  
FOR INFO ON:  
DESIGNATED  
STANDARDS

# TIMELINE FOR UKCA

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## What does my business need to know?

### Now (2021)

You can use the UKCA marking. In some cases, you need to use it right now.

### From 1 January 2022

You will need to use UKCA for most goods\* from 1 January 2022.

### From 1 January 2023

The UKCA marking must, in most cases, be affixed directly to your product.

### On 16 July 2021

Market Surveillance and Compliance of Products Regulation (EU) 2019/1020 comes into effect, which means you may need to appoint an EU representative if there is no other economic operator in place (when exporting to the EU and NI).

### Until 1 January 2023

For most goods, you can affix the UKCA marking on a label affixed to the product or on an accompanying document.

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\* The CE marking will continue to be recognised in GB until 30 June 2023 for medical devices. Make sure you consult the sector specific guidance.

# CHANGES TO CONFORMITY ASSESSMENT BODIES FOR NEW APPROACH GOODS

## What does my business need to know?



- **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 certificate for the NI market.



- **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.

- **EU market:** As of 1 January 2021, mandatory conformity assessments by UK bodies are not recognised in the EU.



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ON:  
UKMCAB DATABASE



# STATUS OF UK CABS IN THE EU AND VICE-VERSA

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## What does my business need to know?



- From now, UK bodies are not recognised as able to assess goods for the EU market. From 1 January 2022 (in most cases) EU bodies will not be able to assess goods for the GB market.



- Arrange for separate certificates for the UK and EU markets to be ready well in advance of 1 January 2022. There may be a requirement for a level of re-assessment before the second certificate is issued, so you should act now. Contact your conformity assessment body to understand your options.

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# CHECK LEGAL RESPONSIBILITIES FOR NEW APPROACH GOODS

## What does my business need to know?

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.

On 16 July 2021, Regulation (EU) 2019/1020 – Market Surveillance and Compliance of Products Regulation – comes into effect, which means you may need to appoint an EU representative if there is no other economic operator in place (when exporting to the EU and NI).

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# PLACING GOODS ON THE NI MARKET

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## What does my business need to know?

- The Ireland/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.
- The CE marking will continue to be relevant marking for most goods. If you self-declare for CE, you can continue to do this when placing goods on the NI market.
- The CE marking will need to be accompanied by the UKNI marking if you use a UK Notified Body to assess against EU rules. This is now the case and this rule applies to existing stock that was not already placed on the market by the end of the 2020 (if that existing stock was assessed against relevant EU rules by a UK Notified Body). **Goods with the 'CE UKNI' marking are not valid for the EU market.**
- You never apply the UKNI marking on its own. It always accompanies the relevant EU conformity marking.
- If you use an EU Notified Body, you will only need to use the CE marking.
- The UKCA marking alone will not be valid for the NI market.

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**UK  
NI**

# PLACING QUALIFYING NI GOODS ON THE GB MARKET

## What does my business need to know?

- The Government has guaranteed Unfettered Access\* for qualifying Northern Ireland goods to the rest of the UK market.
- 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.
- For highly regulated goods (e.g. chemicals and medicines), which pose a particular risk to the consumer, some basic information will need to be provided to the GB market regulator to place that good on the GB market. There is detailed guidance for these goods on gov.uk.
- 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.

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\* There will be only extremely limited exceptions to this for certain controlled products, for example the movement of radioactive waste.

# IMPORTER RESPONSIBILITIES AND NI

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## Have my responsibilities changed?

There are now changes to the responsibilities of businesses importing goods within the UK.



**NI importers of GB goods** – You are an importer if you bring goods into NI from GB or another non-EU country and place them on the NI market. This is due to the rules that apply in NI under the Protocol. You need to make sure goods are labelled with your details, among other responsibilities. The measure on providing address details on e.g. an accompanying document, does not apply to NI importers of goods from GB, due to the Protocol.



**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 where they have come from the EU via NI and means they will need to be labelled with your details, for example. NI businesses benefit from Unfettered Access, meaning qualifying goods can use the CE or CE UKNI marking, for instance, even if EU and GB rules diverge.

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Office for Product  
Safety & Standards

# Designated Standards

Rob Harper

OPSS Standards & Accreditation

20 July 2021

# Designated Standards

**Standard** = “an agreed way of doing something” – requires consensus

Supports Government policies including: trade, **regulation**, competitiveness, innovation, science & technology, consumer & environmental protection, sustainability, public procurement, and health & safety.

UK's **National Standards Body** - MoU with HMG

**bsi.**

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# Designated Standards cont. 1


- On 1 Jan 2021 all hENs giving PoC to EU legislation were published on GOV.UK to become designated standards giving PoC to GB legislation.
  - References were published via a 'Notice of Publication' on GOV.UK <https://www.gov.uk/guidance/designated-standards>
  - Since 1 Jan 2021, HMG performs its own check that the standard covers the relevant GB ERs and decides whether to designate or designate with restriction or not at all.
  - The designation process does NOT alter the technical content of the standard – this is a function for the relevant BSI committee.
  - New references to standards made available in 'notices of proposal to publish' allowing stakeholders 28-days to notify HMG of any objections i.e. whether the standard adequately covers GB essential requirements. <https://www.gov.uk/guidance/designated-standards-new-or-amended-notices-of-publication>
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# Designated Standards cont. 1

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## Designated Standards cont. 2

- Working closely with BSI to ensure HMG has the right information to update the designated standards lists. BSI submit CEN, CENELEC and ETSI data sweeps to OPSS on quarterly basis covering 3 key stages:
    - Confirmation of new work item
    - Enquiry (start and end)
    - Date of availability
  - OPSS leading a cross-HMG 'Designated Standards Working Group' to promote consistency on designation of standards.
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## Construction Products Regulation

UKCA marking – beyond the CE mark

Building Safety Bill – construction products



# Ministry of Housing, Communities & Local Government

- On 1st January 2021, our EU Exit legislation for construction products came into force in Great Britain and Northern Ireland.
- Current UK CPR guidance on construction products is provided on gov.uk:
  - For the GB market: <https://www.gov.uk/guidance/construction-products-regulation-in-great-britain>
  - For the NI market: <https://www.gov.uk/guidance/construction-products-regulation-in-northern-ireland>
- UK notified bodies and UK Technical Assessment Bodies (TABs) became UK approved bodies, and UK TABs which are now listed on the UKMCAB database: <https://www.gov.uk/uk-market-conformity-assessment-bodies>. UK approved bodies are also designated as UK notified bodies for testing products under CE+UKNI mark.
- Current harmonised European standards became UK designated standards: <https://www.gov.uk/guidance/designated-standards>
- For voluntary UKCA marking of innovative construction products, the regulation allows for manufacturers to ask UK TABs to use pre-exit European Assessment Documents to produce UK Technical Assessment (UKTA) documents.
- Existing responsibilities on Economic Operators remain in place to mark (UKCA or CE+UKNI), declare performance via a Declaration of Performance Document (DoP) and put in place an Assessment and Verification of Constancy of Performance (AVCP) structure.
- Distributors established in the UK who bring products in from outside the UK (including EU or EEA states) to the GB market are, in most cases, now be classified as 'importers', bringing in products to the GB from a third country.
- Authorised representatives will continue to be recognised in the UK until we end recognition of CE marking. However, new authorised representatives will need to be established in the UK to be recognised under UK law after this date.

## End of the transition period



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## Preparation for ending CE marking recognition in Great Britain

UK  
CA

- Our EU Exit regulations did not set an end date for the recognition of CE marking for construction products. Therefore, until the necessary legislation is made, CE marked construction products can continue to be placed on the GB market. We will update our gov.uk guidance in the coming months to give industry a clearer timeline.
- We have now laid the Building Safety Bill in Parliament which is intended to give MHCLG the necessary powers to legislate for ending the recognition of CE marking for construction products in GB, once the Bill receives Royal Assent.
- However, under the NI Protocol, CE marked products from NI will be able to continue to be placed on the GB market with CE marking.
- Businesses should continue to prepare for the end of recognition of the CE mark in GB and affix the UK marking using a UK-recognised approved body (UK AB).
- Manufacturers currently using an EU notified body to affix CE marking will need to either:
  - arrange for information held by their existing EU notified body to be transferred to a UK AB so they can issue them with a new certificate, or
  - get their products reassessed by a UK approved body.



- Products that are already placed on the market with a valid CE mark can circulate until they reach their end user in the UK or EU.
- Until the government stops recognising CE marking for construction products, in GB both the UKCA marking and CE marking will be recognised. Manufacturers will either need to:
  - affix the UK marking using a UK-recognised 'approved body',
  - affix the CE marking with UK(NI) indication using a UK-recognised 'approved body',  
or
  - affix the CE marking using an EU-recognised 'notified body'.
- Where no third-party conformity assessment is required (AVCP system 4) the manufacturer can choose whether to affix the UK marking or the CE marking, provided that the underlying requirements are met.



### Labelling

- Construction products regulation already allows operators to affix the appropriate mark on packaging or accompanying documentation where it is not possible or warranted to fix the mark directly onto the product, and we know many operators already take advantage of this.
- We expect operators to continue to make use of this ability to affix marks on packaging or documentation, including using sticky labels. There is no end date for the use of sticky labels in the CPR.



- Our understanding of the EU Commission's position is that type test reports issued by UK notified bodies are no longer valid for the EU market since 1 January 2021. Test type reports issued by UK Notified Bodies will continue to be valid for the GB market and will allow manufactures to affix the UKCA marking.
- Accreditation Bodies have stated that under normal circumstances test reports under AVCP 3 cannot be 'rebadged' unless the CAB has been involved in part testing of the product.
- MHCLG is considering options where there are issues in terms of UK CAB capacity and capabilities and looking at solutions with UKAS and UK approved bodies that minimises the retesting of products.

### **Subcontracting**

- The CPR and the Trade Cooperation Agreement provides for the use of subcontractors. For the UK it is the approved body that takes on the legal responsibility of any test results.
- An approved body should also be designated against the relevant standard under which they are subcontracting some of the testing.
- There should also be a formal agreement between the two CABs.





## Building Safety Bill – construction products

The Building Safety Bill was introduced into Parliament on 5 July 2021 and as a large and complex Bill we do not expect passage to take less than 9 months.

<https://www.gov.uk/government/collections/building-safety-bill>

### PART 5

#### OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

##### *Remediation and redress*

- 124 Service charges in respect of remediation works
- 125 Duties relating to work to dwellings etc
- 126 Limitation periods

##### *New homes ombudsman scheme*

- 127 Establishment of the new homes ombudsman scheme
- 128 The new homes ombudsman scheme
- 129 “Relevant owner”, “new build home” and “developer”
- 130 Power to require persons to join scheme and to provide information
- 131 Register of members
- 132 Developers’ code of practice

##### *Construction products*

- 133 Construction products

- The Bill will create powers to strengthen the regulation of construction products to ensure that all products are covered by a regulatory regime.
- Regulations made under these powers will introduce a new requirement for construction products **to be safe**, in line with the existing approach for consumer products.
- We will also create new requirements for products that are ‘**safety critical**’, where their failure could cause death or serious injury to people.
- The National Regulator for Construction Products, which is being established within the Office for Product Safety and Standards (OPSS) will operate the new robust powers of enforcement in addition to Trading Standards.
- Includes powers to regulate construction products (through statutory instruments).
- Additionally, we have created powers to allow misleading performance claims made in the advertising of construction products to be investigated, enforced and sanctioned against.





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# FIND OUT MORE ABOUT PLACING GOODS ON THE MARKET

## Placing goods on the market



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PLACING GOODS ON THE  
GB MARKET



SCAN NOW FOR INFO ON:  
PLACING GOODS ON THE  
EU MARKET



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PLACING GOODS ON THE  
MARKET IN NORTHERN IRELAND

## Product markings



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USING THE UKNI MARKING



SCAN NOW FOR INFO ON:  
USING THE UKCA MARKING

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# FIND OUT MORE ABOUT PLACING GOODS ON THE MARKET

## Conformity assessment bodies and accreditation



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CONFORMITY ASSESSMENT  
AND ACCREDITATION



SCAN NOW FOR INFO ON:  
APPLYING TO BE A UK CONFORMITY ASSESSMENT  
BODY FOR PRODUCT SAFETY AND METROLOGY

## Moving goods into, out of, or through Northern Ireland



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MOVING GOODS BETWEEN  
NI AND GB

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# FIND OUT MORE ABOUT PLACING GOODS ON THE MARKET

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Qualifying Northern Ireland goods



SCAN NOW FOR INFO ON:  
HOW TO CHECK IF YOU QUALIFY FOR UNFETTERED  
ACCESS

Product safety and metrology regulations



SCAN NOW FOR INFO ON:  
SPECIFIC PRODUCT SAFETY AND METROLOGY REGULATIONS

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## UK conformity assessment



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