

CE, UKCA and CE&UKNI Marking

From 1 January 2021, the UKCA mark will replace the CE mark and become the conformity assessment marking for Great Britain (GB). This document provides a brief overview as to what UK companies need to do to continue using the CE marking, to sell into Europe (EU) and Northern Ireland (NI), as well as adopt the UKCA mark, to sell into GB.

1. Exporting and Selling Goods in the EU

1.1. Post Brexit, to ensure GB companies can continue to export goods to the EU, there are some actions required to ensure they can continue to use the CE mark on their products. These are as follows:

- Determine the EU legislation which covers the products (see table in appendix) and create the required Declaration of Conformity (DoC).
- The company must appoint an Authorised Representative (AR)¹ within the EU, EEA or NI to hold² on to any product Technical Construction File/DoC.
- If the product requires a third-party conformity assessment, this must be carried out by an EU-recognised notified body.

1.2. If a product allows for self-certification, then GB companies will still be able to do that. All that is required is for the resultant Technical Construction File/DoC to be readily available at the appointed AR.

1.3. NI is following a different regulatory regime to the rest of the UK. Companies who manufacture qualifying³ goods in NI can continue to use the CE regulatory regime and can export directly with this into the EU. If the good requires a third-party assessment, then an EU recognised notified body will need to undertake it to allow for the CE mark to be affixed.

2. Importing into and Selling Goods in GB

2.1 Following Brexit on the 31 December 2020, there is a 12-month transition period to allow GB companies to move from selling products with a CE mark to UKCA mark. This means that the UKCA mark will be enforced as the conformity assessment marking for GB from 1 January 2022.

2.2 Despite the 12-month transition period there are some instances where the UKCA mark will be required from the 1 January 2021. This will be the case in following instances:

- a. A third-party conformity assessment has been completed on your product by a UK recognised notified body and the resultant conformity assessment files have not been transferred to an EU notified body before 1 January 2021.
- b. Any new products launched on to the GB market after the 1 January 2021.

2.3 The process for using the UKCA mark will be identical to that of the CE mark. This is as follows:

- Identify the UK Legislation applicable to the product (see table in appendix).
- Determine the product-specific safety requirements from the legislation.
- Identify the UK designated standards which are referenced by the applicable UK Legislation.
- Determine if you can perform self-certification or if a third-party assessment is required.
- Test the product yourself or through a UK notified body for conformity and record results.
- Use results to create the Technical Construction File to show conformity.
- Place the UKCA mark on your product.

¹ An Authorised Representative (AR) is any individual or company who has a formal contract with the manufacturer to represent them in the EU to the authorities.

² The Machinery Directive Schedule 2 Part 7 Annex VII states that a technical file does not have to be located in the territory of an EEA state, nor does it have to be permanently available in material form. However, it must be capable of being assembled and made available within a period of time commensurate with its complexity by the person designated in the EC declaration of conformity.

³ A qualifying good is defined as a product which is present in NI and is not subject to any customs supervision, restriction, or control. This has currently been left broad and will not likely be fully defined to mid-2021.

- 2.4 Note that third party assessments will also need to be carried out by a UK recognised notified body.
- 2.5 If your product allows for self-certification, then you can continue to use a GB address on the CE mark to sell within GB for the 12-month transition period. However, you will be unable to export into the EU or NI with the CE mark/GB address combination.
- 2.6 NI companies will follow a different regime to access the GB market. Our current understanding is that companies who manufacture qualifying goods in NI can continue to use the CE regulatory regime and export directly with this into GB with no barriers. If the goods require a third-party assessment, then a UK recognised notified body will need to undertake it and affix a UKCA or CE&UKNI mark. We understand that this arrangement for NI companies will remain in place for as long as NI continues to agree with it, as specified in the withdrawal agreement (i.e. NI will vote on the arrangement every 4 years).

3. Importing into and Selling Goods in NI

- 3.1 Following Brexit on the 31 December 2020, NI will continue to follow the EU marking conformity assessment. This means that you will require a CE marking on any product sold there with an EU, EAA or NI address for the AR.
- 3.2 If the product requires a third-party conformity assessment, then you will be able to get a UK notified body to provide a conformity assessment and provide a CE&UKNI mark. The CE&UKNI mark is not valid in the EU.

4. Summary Table of Conformity Marking

- 4.1 The table below is a summary of the regulatory regimes for companies importing/exporting in NI, GB and the EU.

FROM	TO		
	GB	NI	EU
GB	<p><u>CE Mark</u> Can be used until 31 December 2021. Can be obtained through self-certification or using EU notified body. Can continue to have EU/UK address until 1 January 2021. All associated paperwork must have GB address.</p> <p><u>UKCA Mark</u> Can be used from 1 January 2021, mandatory from 1 January 2022. Can be obtained through self-certification or using UK notified body. GB Address required on UKCA Mark.</p>	<p><u>CE Mark</u> Can be obtained either through self-certification or using EU notified body. Address from the EU, EEA or NI required.</p> <p><u>CE&UKNI Mark</u> Can be used from 1 January 2021. Can be obtained through using UK approved notified body. NI address required.</p>	<p><u>CE Mark</u> Can be obtained either through self-certification or using EU notified body. Address from the EU, EEA or NI required.</p>

FROM	TO		
	GB	NI	EU
NI	<p><u>CE Mark</u> Can be obtained through self-certification or using EU notified body. If have NI address, no time limit on use in GB.</p> <p><u>UKCA Mark</u> Can be used from 1 January 2021, not mandatory for NI companies. Can be obtained through self-certification or using UK notified body. GB Address required on UKCA Mark.</p> <p><u>CE&UKNI Mark</u> Can be used from 1 January 2021. Can be obtained through using UK approved notified body. NI address required.</p>	<p><u>CE Mark</u> Can be obtained either through self-certification or using EU notified body. Address from the EU, EEA or NI required.</p> <p><u>CE&UKNI Mark</u> Can be used from 1 January 2021. Can be obtained through using UK approved notified body. NI address required.</p>	<p><u>CE Mark</u> Can be obtained either through self-certification or using EU notified body. Address from the EU, EEA or NI required.</p>
EU	<p><u>CE Mark</u> Can be used until 31 December 2021. Can be obtained through self-certification or using EU notified body. Can continue to have EU address until 1 January 2021. All associated paperwork must have GB address.</p> <p><u>UKCA Mark</u> Can be used from 1 January 2021, mandatory from 1 January 2022. Can be obtained through self-certification or using UK notified body. GB Address required on UKCA Mark.</p>	<p><u>CE Mark</u> Can be obtained either through self-certification or using EU notified body. Address from the EU, EEA or NI required.</p>	<p><u>CE Mark</u> Can be obtained either through self-certification or using EU notified body. Address from the EU, EEA or NI required.</p>

5. FAQs

5.1 Can I have both the UKCA and CE marking on my products?

Yes – as long as you have the right address information on each marking and have followed the legislation and standards as set by each regulatory regime.

5.2 When will the UK equivalent of the Official Journal of the European Union (OJEU) be available?

We have been informed that the Office for Product Safety and Standards (OPSS) will be the government department responsible for the UK equivalent of the OJEU and that it will be hosted on their area of the government website. All current harmonized standards cited in the OJEU for CE marking will become ‘designated’ standards by the UK government. Using designated standards will provide a product with a presumption of conformity with law in GB – and therefore allow the use of the UKCA marking. The British Standards Institute (BSI) are still in the process for determining the exact process, but they will provide the information to OPSS on new standards for designation. No date has been provided yet for when the designated standards list will go live on the OPSS website.

BSI have also stated, with regards to standards, that they will continue to maintain an international first principle (i.e. they will continue to adopt ISO, CEN and CENELC standards). However, they will ask national committees to develop new national aspects to standards when required to ensure they align with GB law. Where there are changes to national adoptions of standards they will be highlighted by BSI.

5.3 Will Northern Ireland require the UKCA mark?

No - to sell in NI you will need the CE or CE&UKNI mark.

5.4 When the UK leaves the EU what details do I put on the CE marking for our products?

If your product is CE marked and being sold in GB, then for the duration of 2021 the CE mark can have either a GB address, with all associated paperwork showing the same address, or an EU address, with all the associated paperwork showing a GB address.

If that If the product requires a third-party conformity assessment, and if that has been undertaken by an EU notified body, then the CE mark on that product can continue to be used in the GB market as outlined in the paragraph above. However, if a UK notified body has completed the third-party conformity assessment, and the resultant technical construction file hasn't been transferred to an EU notified body, then a UKCA mark will be required on the product from 1 January 2021 in the GB market.

All products being sold in GB will require a UKCA mark from the 1 January 2022.

To continue to sell products within the EU or NI products from the 1 January 2021, you will require a CE mark with an EU or NI address. Also note, that to sell products that require a third-party conformity assessment in NI, you can either have a CE mark from an EU notified body, or a CE&UKNI from a UK notified body.

5.5 We import goods into GB from outside the EU (i.e. Japan/US/China etc) and then sell into the GB, NI and EU markets, what do I need to do?

If the products allow for self-certification and already have a GB address on your CE mark, then you can continue to sell into the GB market through 2021 without any changes. From the 1 January 2022 you will have to move over to the UKCA mark to continue to sell in GB.

To continue to sell into the EU or NI from the 1 January 2021 you will have to appoint an Authorised Representative(AR) within the EU or NI who is able to hold the Technical Construction File and Declaration of Conformity for EU authorities to access. The address of the AR will need to be on the CE mark.

If you require a third-party conformity assessment for your product then the following scenarios apply:

- *To sell in GB you will require a UK or EU recognised notified body to undertake your testing. If the notified body is from the UK from the 1 January 2021 you will have to obtain a UKCA mark. If the notified body is from the EU, you can obtain a CE marking and use it until 31 December 2021.*
- *To sell into the EU an EU recognised notified body is required to undertake the testing along with the appointment of an AR in the EU or NI to represent your company to the authorities.*
- *To sell into NI you will require a UK or EU recognised notified body to undertake your testing. If the notified body is from the UK from the 1 January 2021 you will have to obtain a CE&UKNI mark. If the notified body is from the EU, you can obtain a CE mark. You will also be required to appoint an AR in the EU or NI to represent your company to the authorities.*

5.6 We import goods from the EU and sell into the UK market what do we need to do?

From the 1 January 2021, if the product allows for self-certification you can leave the EU address on the CE mark, however all the accompanying paperwork with the product will require a GB address. At this GB address you will be required provide access to the DoC/Technical Construction File if required by the UK authorities. From the 1 January 2022 the product will require a UKCA mark with a GB address on it so that it can continue to be sold. If the product requires a third-party assessment, then you will have to ensure that the assessment has been carried out by a UK approved assessment body.

Northern Ireland is continuing to follow the EU regulations and therefore products which are compliant for the EU market will also be accepted there (i.e. you can use a CE marked good with an EU address with no change required).

5.7 We manufacture in the UK and then sell to the UK and EU what do we need to do?

You will need to follow the same process as described in the answer to question 5.5.

6. Useful Links

- [Using the UKCA Mark from 1 January 2021](#)
- [Placing Manufactured Goods on the GB Market from 1 January 2021](#)
- [Using the UKNI Mark from 1 January 2021](#)
- [Placing Manufactured Goods on the NI Market from 1 January 2021](#)
- [Moving Goods under the Northern Ireland Protocol](#)
- [CE Marking](#)
- [Placing Manufactured Goods on the EU Market from 1 January 2021](#)
- [Conformity Assessment Bodies Change of Status from 1 January 2021](#)
- [The Border Operating Model](#)

7. Appendix – EU and UK comparative Legislation

EU Legislation	UK Legislation
Toy Safety - Directive 2009/48/EC	Toys (Safety) Regulations 2011
Recreational craft and personal watercraft - Directive 2013/53/EU	Recreational Craft Regulations 2017
Simple Pressure Vessels - Directive 2014/29/EU	Simple Pressure Vessels (Safety) Regulations 2016
Electromagnetic Compatibility - Directive 2014/30/EU	Electromagnetic Compatibility Regulations 2016
Low Voltage Directive 2014/35	Electrical Equipment (Safety) Regulations 2016
Non-automatic Weighing Instruments - Directive 2014/31/EU	Non-automatic Weighing Instruments Regulations 2016
Measuring Instruments - Directive 2014/32/EU	Measuring Instruments Regulations 2016
Lifts - Directive 2014/33/EU	Lifts Regulations 2016
ATEX - Directive 2014/34/EU	Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres Regulations 2016
Radio equipment - Directive 2014/53/EU	Radio Equipment Regulations 2017
Pressure equipment - Directive 2014/68/EU	Pressure Equipment (Safety) Regulations 2016
Personal protective equipment - Regulation (EU) 2016/425	Personal Protective Equipment Regulations (Regulation (EU) 2016/425 as brought into UK law and amended)
Gas appliances - Regulation (EU) 2016/426	Gas Appliances (Product Safety and Metrology etc (Amendment etc) (EU Exit) Regulations 2019)
Machinery Directive 2006/42/EC	Supply of Machinery (Safety) Regulations 2008
Outdoor Noise Directive 2000/14/EC	Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001
Directive 92/42/EEC hot-water boilers AND Ecodesign Directive 2009/125/EC	The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019
Restriction of the Use of certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) - Directive 2002/95/EC	The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012