



UKCA marking: UK regulation, conformity assessment and standards post-EU transition

Richard Collin and Kevin Frewin
BSI Standards e-conference
19 November 2020



By Royal Charter

Copyright © 2020 BSI. All rights reserved



UK Internal Market Bill

UK
CA



UK
NI



CENELEC



bsi.



Trade deal with US could lower standards, manufacturers warn

Britain's trade secretary Liz Truss insists no deal will be better than a bad deal



Joint statement
The strategic value of international standards for the UK as a global trading nation



bsi.

...making excellence a habit™



Caveats and comments

- The information in this presentation is based on current understanding and is shared in good faith
- The UK government and the EU continue to work towards a deal
- In the event of a deal this presentation and its contents could be overtaken by the detail within the deal
- This presentation assumes a no deal end to the EU exit transition period from 31 December 2020

- 'On-shoring' of EU product regulation into an autonomous UK jurisdiction
- UK product regulations update CE marking legislation:
 - Creation of UKCA marking regime for England, Scotland and Wales (GB) to replace CE marking
 - Northern Ireland Protocol: continuation of alignment with EU law through UK regulations
 - CE marking for Northern Ireland
 - Additional UKNI marking to accompany CE marking in some cases (NI only)

- Product regulations updated for the new regulatory model
- Changes only to enable regulations to operate for the UK:
 - Identical essential requirements
 - The same routes to assess conformity
 - Changes to conformity assessment bodies
 - Changes to the process of recognising standards for regulatory conformity
- Government guidance available
- Continued recognition of CE marking till end of 2021 (with exceptions)

UKCA Marking An Approved Body view

19th November 2020

Kevin Frewin

Global Head of Construction
BSI Assurance



UK CA

Approved Body view

- Simple transition from UK Notified Body to UK Approved Body
- Present Notified Body scope migrated from NANDO to Approved Body scope – published on gov.uk website (no change)
- No re-assessment by UK Accreditation Service (UKAS)
- Tasks and activities remain the same
- Certificates will look similar but reference UK regulation
- UK Notified Body certificates become invalid for supporting CE marking on 1st January 2021

Market Access

- UK Notified Body certificates remain valid for supporting UKCA marking on 1st January 2021
- UKCA can be affixed by manufacturers based on UK Notified body CE certificates
- UKCA certificates can be issued in Q1 2021
- EU 27 Notified Body certificates will not be valid supporting evidence for the UKCA mark
- CE marking not recognized in GB after 31st December 2021
- Great Britain and Northern Ireland market access will be different

Market access requirements for Manufacturers based in Northern Ireland - Producing 'Qualifying goods'

2021 →

<u>EU Market</u>	<u>GB Market</u>	<u>NI Market</u>
CE marking supported by EU27 notified body	UKCA marking supported by UK Approved Body OR CE marking supported by EU27 notified body OR CE UKNI marking supported by <i>UK Approved Body⁽¹⁾</i>	CE marking supported by EU27 notified body OR CE UKNI marking supported by <i>UK Approved Body⁽¹⁾</i>

- Qualifying good – one processed entirely in Northern Ireland or one that is present in Northern Ireland and not subject to any customs supervision, restriction or control which does not arise from the good being taken out of the territory of Northern Ireland or the European Union.
 - <https://www.legislation.gov.uk/ukdsi/2020/9780348212969>
- Product cannot be placed on the NI market based on the UKCA mark
- The 'CE UKNI' mark could be thought of as a single mark that indicates CE via a UK Body
- ⁽¹⁾*UK Approved Body* to issue supporting documents following EU CE marking rules

Everyone else

2021

<u>EU Market</u> CE marking supported by EU27 notified body	<u>GB Market</u> UKCA marking supported by UK approved body OR CE marking supported by EU27 notified body	<u>NI Market</u> CE marking supported by EU27 notified body OR CE UKNI marking supported by <i>UK Approved Body⁽¹⁾</i>
--	---	---

2022

<u>EU Market</u> CE marking supported by EU27 notified body	<u>GB Market</u> UKCA marking supported by UK Approved Body	<u>NI Market</u> CE marking supported by EU27 notified body OR CE UKNI marking supported by <i>UK Approved Body⁽¹⁾</i>
--	--	---

- The 'CE UKNI' mark could be thought of as a single mark that indicates CE via a UK Notified Body
- ⁽¹⁾*UK Approved Body* to issue supporting documents following EU CE marking rules
- Product cannot be placed on the NI market based on the UKCA mark

How can BSI help

- UKCA marking

- Construction Products
- Personal Protective Equipment
- Gas Appliances
- Pressure Equipment
- Lifts
- Marine
- Transportable Pressure Equipment
- Measurement instruments



- CE marking

- Construction Products
- Personal Protective Equipment
- Gas Appliances
- Pressure Equipment

BSI as national standards body post-EU exit transition

- BSI's national standards body role for standards that enable conformity to product regulation:
 - Continue to serve the standards needs of UK stakeholders through our role in international and European regional standards bodies, maintaining membership of CEN, CENELEC and ETSI and the 'international first' principle
 - Support autonomous UK regulatory policy, providing the necessary mechanisms and sources of expertise to deliver UK government's needs for standards as they develop post-transition

- All harmonized European standards cited in the OJEU for CE marking will be 'designated' by UK government
- Using a 'designated standard': product is presumed to conform to law in GB
- BSI is working with UK government to develop the new process and interface for the designation of standards:
 - BSI provides information to Department for Business on new standards for designation
 - Designation by relevant Secretary of State
 - Publication on gov.uk website
- BSI will communicate to stakeholders about the changes in the role of standards, reflecting the role of standards in the whole of the UK

- No automatic alignment for GB regulation with EU, though not necessarily divergence between UKCA and CE
- Should divergent UKCA regulation necessitate changes to standards/new standards, government will request them from BSI
- BSI will manage the national standards collection, will maintain the international first principle and will ask committees to develop new national aspects to standards when needed
- Where changes to national adoptions of European standards are needed they will be made clear
- Full and automatic alignment for NI (subject to periodic consent)

Q & A

Further info:

- Standards and EU exit: standards.policy@bsigroup.com
- Product certification: product.certification@bsigroup.com
- BSI webpages on regulatory policy post-EU transition: www.bsigroup.com/brexit