



# BSI UKCA marking update

## Duties of importers under UKCA marking

### Introduction

The UKCA (UK Conformity Assessed) marking is the new UK product marking that is 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.

Under the new conformity assessment regime, UK entities that have been considered “distributors” and buying products from an EU seller become “importers”. Put simply, you will become an importer if you’re the entity bringing product into the UK from outside the UK and placing them on the market in Great Britain. (There may be different requirements for Northern Ireland). If this applies to you, it could mean that there are new requirements that you should be aware of.

This document has been written to provide general guidance and there may be variations in specific cases. It covers the key requirements that apply to importers of products covered by UKCA marking which came into effect on 1 January 2021.

Please note: this document does not refer to requirements covering Medical Devices and IVD’s as the timelines and requirements are different.

### What is the definition of an “importer”?

An importer is an organization or entity that brings goods into the UK from outside of the UK and makes them available on the market in Great Britain for the first time. Information from the UK Government may be found here:

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

### When do the requirements of an “importer” take effect in relation to UKCA marking?

Importer requirements take effect as of 1 January 2021 and from that date you can no longer use an EU-based authorized representative if you are placing product on the market in the UK. They must be based in the UK.

## Summary of requirements for “importers”

If you are deemed to be an importer you will need to ensure the following:

- The product needs to be labelled with your company's details. This includes your company's name, and a contact address. (Please note that until 31 December 2024 these details can be supplied on accompanying documentation such as a leaflet contained in the product packaging rather than on the product itself).
- You will also need to ensure that the correct conformity assessment procedures have been carried out and that goods have the correct conformity markings such as the UKCA marking.
- You must ensure that the manufacturer has compiled the correct technical documentation.
- The product must be correctly labelled and accompanied by any required instructions and safety information or associated information.
- You will need to keep a copy of the declaration of conformity for a period of ten years.
- You must ensure that goods conform with the relevant essential requirements.
- If the manufacturer isn't based in Great Britain the name and address of the UK importer must also be displayed on the product, packaging, or associated documentation.

### Further details about the requirements of an “importer”

This section provides more details about these requirements:

#### Product labelling

Importers need to indicate on the product the following: their name, registered trade name or registered trade mark, and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the product. The contact details shall be in a language easily understood by consumers and other end users and the market surveillance authorities.

This is a clear signal that the authorities will need to know who imported the product so that they can be held to account should there be problems later.

#### Ensuring the correct conformity assessment procedures have been carried out and products have the correct conformity markings such as the UKCA marking

Before a product is placed on the market, importers need to ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. You will need to ensure that the manufacturer has drawn up the technical documentation, that the product bears the UKCA marking and it is accompanied by instructions and safety information in accordance with the relevant regulation.

Many regulations (such as the Gas Appliance Regulation), require a two-stage process (known as Type Examination plus Surveillance) and as an importer you will need to be sure that both of these stages have been completed by the manufacturer. In the past, for some regulations it is thought that some non-EU manufacturers had been skipping the surveillance stage of the process, so you need to pay particular attention to this.

The diligent importer will ask for some or all of the following documentation from the manufacturer. These should not just be taken at face value. You should check these following documents thoroughly too:

#### UK Declaration of Conformity (DoC)

This is required for most products that need to bear a UKCA marking and it must be kept for a period of ten years and made available to market surveillance authorities if requested. First of all check that the DoC does exist. Look out for things like is the manufacturing company name correct, and is it signed by the right person?

You will need to make sure it is dated appropriately. If this was dated from five years ago, but the manufacturer only just designed your product, then this could be suspicious.

Does it cover the specific product being supplied? This does not mean another that is “similar” to yours - it needs to be the exact same product.

## UK Declaration of Conformity (DoC)

Does it cover all the Directives or Regulations that reasonably apply to the product? There may be several Directives/Regulations that apply to a more complex product, and it's a good idea to draw up a checklist to ensure they have all been covered.

Make sure the standards that are used are the right ones (look at both the title and the scope - they are usually publicly available). They can be checked on the [BSI shop](#).

And make sure they are the latests versions too as most regulations require the products to reflect the "state of the art". (For construction products, please refer to the list of designated standards that can be found at: <https://www.gov.uk/government/publications/designated-standards-construction-products>.)

Importers need to, for ten years after the product has been placed on the market, keep a copy of the UK Declaration of Conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request. This is important if you are going to be able to demonstrate "due diligence" at some point in the future. (Note, if you are already familiar with an EU Declaration of Conformity, this information is largely the same as to what is currently required on these).

## Other supporting documents

This information may vary depending on the product. When this is required, do both the "Type Examination" and "Surveillance" certificates exist and cover the product being supplied (and are consistent with the DoC above)? This is important, as some assessments include things like instructions and packaging, and if the manufacturer changes these to suit a particular importer then the product is unlikely to be covered by the certificate.

Is the company issuing each certificate actually a "notified (or approved) body" authorized to issue these documents? In the past there have been several instances of companies claiming they are notified bodies when this is not the case. These "certificates" are worthless.

This is important and something to carefully check. Are the certificates actually genuine? Counterfeiting of test certificates does happen and it is a risk that should be mitigated. A short phone call or email to the notified body or approved body concerned should allow you to verify certificates as genuine. There are also some simple checks that can be performed such as checking for signs of tampering, poor images, incorrect dates or even spelling errors. BSI has an [online directory](#) designed to help you to check the details.

Are the technical standards used to show compliance appropriate (from the title) and the latest version (easy to check from the BSI website)? Challenge the manufacturer to justify themselves if out-of-date standards are being used.

Is the "UKCA mark" (by this we mean the logo itself) on the product correctly sized and includes the number of the approved body performing surveillance (and this is consistent with the certificate supplied)? In the case of BSI, for UKCA marking our approved body number is 0086.

Remember, importers' records need to be in English and available for the authorities to inspect. Having the checks mentioned here and ensuring records are well documented will usually make such requests less time-consuming than they may be otherwise. If you require translation services to assist you with this, BSI can provide signposting for this.

## **Make sure the product is correctly labelled and accompanied by any required instructions and safety information or associated information**

Inadequate instructions for installation can be a significant problem and can lead to potentially unsafe use of a product. Too often, we see instructions for assembly and use that make little sense and are difficult to follow – they may contain each of the very specific warnings required by the standard, but still be presented in a way that lay-people wouldn't understand (what is "adequate ventilation", for example, and where would you find "the rules in force" for a barbecue)?

As an importer, you have an opportunity here to ensure the instructions do make sense. You may wish to assemble the product yourself and see if the instructions allow you to do it easily enough. You should check the safety warnings are clearly stated and appropriate for the product.

What about the presentation and appearance of these? Instructions shall be "easily understood", and this means legible too. As an importer you have the opportunity to specify a minimum font size that is appropriate for your intended users and make sure that safety warnings are differentiated by the use of larger fonts or bold text. This is also where importers can assert their influence during the purchasing process.

## Importers shall place only compliant products on the market

This may sound like an obvious statement, but it is important. Importing a non-compliant product and placing it on the market is an offence. Importers have to ensure that they are showing due diligence in this matter.

## What are the other considerations?

The information contained in this document is based on the information available at the time of publication. Information from the UK Government can be found at:

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

And whilst these requirements apply for many products it is always prudent to check whether there are any additional requirements for the product you are importing.

One thing that is clear however is that the new UKCA marking will have an impact throughout supply chains. This means you may need to consider how other organizations in your supply chain are preparing themselves for the changes too. It may be wise to speak to them to understand the actions they are taking.

You may need to determine whether product is already placed on the market, or when it is due to be placed on the market as this may affect the new requirements needed to be met.

## What about “own-brand” products?

If you supply the product under your own name, then you are considered the manufacturer (regardless of who actually assembles the product) and the responsibility for completing the full conformity assessment process (in this case UKCA marking) falls to you.

## Why BSI

The good news is that, no matter where you are located, BSI can work with you to support UKNI, UKCA and CE marking requirements as well as many other conformity assessment schemes.

We are committed to working with you to build a trusted partnership as you grow your business for the long-term. When you need to keep up-to-date and comply with the latest regulatory requirements BSI is ideally placed to support your market access needs. As the UK National Standards Body with 83 offices worldwide, our global reach combined with our local presence means we are never far away and always on hand to work with you. What's more, our teams of trusted experts have an in-depth knowledge of standards and market access requirements that can enable you to successfully navigate the evolving regulatory landscape so your business remains resilient.

BSI/UK/1906/PC/1220/EN/GRP

**For further information about UKCA marking services with BSI.**

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**Email:** [info.in@bsigroup.com](mailto:info.in@bsigroup.com)

**Call:** +91 11 4762 9000

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