HM Government

UK TRANSITION

Goods Regulation

This presentation covers the UK regime for ‘New Approach’ goods

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Department for Business, Energy and Industrial Strategy

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Placing goods on the market

New Approach

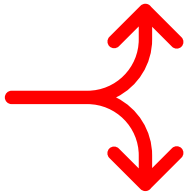
Goods with a CE-marking may be placed on the GB market until 1 January 2022 e.g. Toys, PPE, machinery.

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.

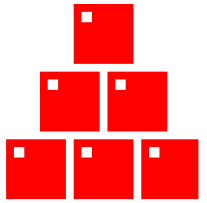
e.g. Chemicals, Vehicles, Aerospace.



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.

This presentation will focus on most new approach goods.
Sector specific guidance can be found on gov.uk/transition

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Placing New Approach goods on the market

If you 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.

Placing CE marked goods on the GB market

- Businesses should take steps to comply with the new domestic regime.
- CE marked goods that meet EU requirements can continue to be placed on the GB market in most cases until 1 January 2022.

Placing CE marked goods on the EU market

- 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

- If you self-declare or use an EU Notified Body, you can still use the CE marking until 1 January 2022 for goods placed on the GB market (more in some cases). In this case, you can use your 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.

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

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Timeline for UKCA

Now (2021)

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

From 1st January 2022

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

Until 1st January 2023

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

From 1st January 2023

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

* 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.

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Changes to conformity assessment bodies for New Approach goods

GB market

All UK-based 'Notified Bodies' became UK 'Approved Bodies' on 1st January 2021. You can find details of UK bodies on the UKMCAB database.

If your product requires third-party conformity assessment this will need to be completed by a UK-recognised body from 1 January 2022 (in most cases).

EU market

Mandatory conformity assessments by UK bodies are no longer recognised by the EU. You should speak to your existing conformity assessment body to discuss options.

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Take action to ensure products are market compliant

What does my business need to do now?

If you place goods on both the UK and EU markets, you should take action now:

Contact your conformity assessment body to understand your options.

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.

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Check your legal responsibilities for New Approach goods

Have my responsibilities changed?

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.

Importers – A UK-based distributor of EU goods will become an 'importer' – and vice-versa. Compared to distributors, importers have additional duties to ensure products are compliant 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 of 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).

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Placing goods on the NI market

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 the 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.

UK NI

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Placing Qualifying NI Goods on the GB market

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.

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

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Importer responsibilities and NI

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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Find out more about placing goods on the market

Placing on the market

• For guidance on placing goods on the GB market visit:	https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain
• For guidance on placing goods on the EU market visit:	https://www.gov.uk/guidance/placing-manufactured-goods-on-the-eu-market
• For guidance on placing goods on the market in Northern Ireland visit:	https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-northern-ireland

Product markings

• For guidance on using the UKNI marking visit:	https://www.gov.uk/guidance/using-the-ukni-marking
• For guidance on using the UKCA marking visit:	https://www.gov.uk/guidance/using-the-ukca-marking

Conformity assessment bodies and accreditation

• Conformity assessment and accreditation:	https://www.gov.uk/guidance/conformity-assessment-and-accreditation
• On applying to be a UK conformity assessment body for product safety and metrology:	https://www.gov.uk/guidance/apply-to-be-a-uk-cab-for-product-safety-and-metrology

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Find out more about placing goods on the market

Moving goods into, out of, or through Northern Ireland	
• For guidance on moving goods between NI and GB visit:	https://www.gov.uk/government/collections/moving-goods-into-out-of-or-through-northern-ireland
Qualifying NI goods	
• For guidance on how to check if you qualify for unfettered access, visit:	https://www.gov.uk/guidance/moving-qualifying-goods-from-northern-ireland-to-the-rest-of-the-uk
Product safety and metrology regulations	
• Guidance on specific product safety and metrology regulations:	https://www.gov.uk/guidance/uk-product-safety-and-metrology-from-1-january-2021

For any queries on this guidance, please email us at: goodsregulation@beis.gov.uk

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QUESTIONS