

Norsk Industri: Medlemsmøte om produktmerking EU – BEIS Q&A

Q: Will you cover what the main differences between CE and UKCA are?

- A. *In addition to the differences covered in the webinar, there are a few important differences to be aware of:*
- 1. Your economic operator role in the UK may be different than it was before the EU exit. If you were considered a distributor in the UK under CE rules, you may now be an importer. Importers have additional responsibilities such as labelling their importer details on goods. You are an importer if you are the first to make a good available for sale to a UK market. Check the [A-Z of Industry Guidance](#) for further information.*
 - 2. Authorised Representatives (AR) vs. Responsible Persons (RP): these are the same economic operator roles for the UK and EU, respectively. Under UKCA rules, AR's are usually optional, whereas EU rules may require use of an RP more often. An AR for UKCA marked goods must be based or established within the UK. Please note that Northern Ireland continues to align with CE rules and may require use of a RP when importing goods to NI.*
 - 3. Designated Standards that apply to your good under CE rules now has a UK equivalent standard. Whether you are self-certifying or third party testing to use the UKCA, you must reference the UK designated standards that apply to your good in the Declaration of Conformity. You can find a list of the equivalent EU and UK standards at the end of our A-Z of Industry Guidance (linked above).*

Q. What about harmonized product standards, will they still be the foundation for marking process?

- A. *Yes. The UK now has their own equivalent standards that mirror CE standards. You can find these on our [A-Z Industry Guidance](#) page, where you can find links to product-specific regulations organised by product sectors.*

Remember, for manufacturers using an existing CE certification (completed before 1 January 2023) as the basis for demonstrating compliance with UKCA for their products, we recommend that you include a list of the applicable UK designated standards and equivalent EU harmonised standards in the UK Declaration of Conformity, the as well as details of the EU Notified Body (or CAB recognised under an EU Mutual Recognition Agreement) which carried out the conformity assessment procedures for the CE certificate.

- 1. We have listed the EU and UK equivalent product safety legislation here: <https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain#more-information>*

Q: Will UKCA be required for products sold through UK companies to clients outside the UK?

- A. *No, the UKCA mark is only required for goods made available for sale to GB customers.*

Q: My question relates to the electrical safety regulation. The UKCA marking clause from paragraph 39 states: “Where [36mos from implementation] does not apply and it is not possible or warranted, on account of the nature of the electrical equipment, to affix the UKCA marking in accordance with paragraph (1), the UKCA marking must be affixed to: (a)the packaging; and (b)the accompanying documents. **Are there any guidance documents on how to interpret “not possible or warranted”? Or could you give some examples which would not be possible or warranted?**

- A. *What is generally meant by “not possible or warranted”, is whether your good is too small to fit the UKCA mark, or it is not practicable or possible to indelibly affix the UKCA mark on the good. Remember, the UKCA mark must be a minimum of 5mm.*

Q: If the product doesn’t have harmonized standard and not on the category list, how will the process be to mark?

- A. *If your product isn’t covered by the list in our webinar slides, the first question to ask yourself is whether your product currently requires the CE mark (or the reverse epsilon mark). If it does, then your product will most likely require the UKCA mark for the GB market.*

If you are unsure or don’t know if requires the CE, then check our [A-Z of Industry Guidance](#) for a complete list of UKCA product areas. The UKCA mark is only required for manufactured “new approach” goods – if your product is not a manufactured good that’s covered by “new approach” regulations, then you the UKCA mark is not required for your product.

We strongly recommend that you consult your local trade body or industry association to get advice on your specific products if you remain unsure what rules apply.

Q: How about hired tools, etc, used for work on UKCS installations, will they require UKCA marking?

- A. *In short, it depends on when the goods loaned, hired, or leased are first placed on the GB market. The UKCA marking will be required if the good is placed on the GB market i.e. made available for purchase to GB customers, for the first time after 31 December 2022.*

However, repeated leasing and hiring of the same good (i.e. not just an identical good), which has been placed on the GB market before 31 December 2022, will not require re-marking if loaned, leased, or hired after this date. The repeated leasing and hiring of a good is defined as further ‘making available’ and therefore does not require re-marking. However, before every leasing, the person leasing the good will need to check that the requirements are still met.

The date a good is placed on the market can be demonstrated by any document ordinarily used in business transactions, for example a contract of sale or invoice which details the serial number of the good.