

# Placing Goods on the UK Market

16 September 2021



Department for  
Business, Energy  
& Industrial Strategy



# Contents



## Aims of this session

- Summarise what you need to do to place manufactured goods on the market in Great Britain and Northern Ireland.
- Help you to identify what actions you need to take for goods that previously required the CE or reverse epsilon markings.



## What we'll cover

1. When you need to start using the UKCA marking
2. How to place products on the GB market
3. Roles and obligations of economic operators
4. Placing goods on the Northern Ireland market

# Check what rules apply to place your goods on the market



You should always check the specific product regulations relevant to your product as different rules may apply. This presentation will focus on new approach goods.

## New Approach



Goods with a CE marking may be placed on the GB market until 31 December 2022. From 1 January 2023, the UKCA marking will be required for most new approach goods. New approach goods include Toys, PPE and machinery.

## Old Approach



Rules for these standalone regulations depend on the specific goods. Old approach goods include chemicals, vehicles and aerospace.

## Non-Harmonised Goods



Mutual recognition no longer applies to non-harmonised goods. This includes products such as furniture.

Please note: There are special rules for some goods, including medical devices, cosmetics, construction products, civil explosives and products requiring eco-design and energy labelling.



# Transition to the UKCA mark



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# The UKCA marking

## Key points

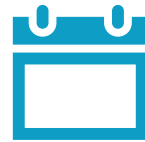
- ✓ Applies to goods which previously required the CE marking and the reversed epsilon marking
- ✓ Since 1 January 2021, the essential requirements and standards that can be used to demonstrate compliance are the same. All harmonised standards became ‘designated standards’.
- ✓ You can self-declare for the UKCA marking if allowed for your product, as you did with the CE marking.
- ✓ You can place the UKCA and CE markings on the same product if it is destined for both the EU and GB markets as long as it meets the rules for both markets.

# You now have until 1 January 2023 to adopt the UKCA marking



## Responded to feedback

Businesses continue to face challenges from the pandemic which has made preparation for UKCA more difficult. We are giving businesses another year to fully adapt to UKCA marking requirements.



## Extended standstill

We will extend standstill arrangements for all manufactured goods (except medical devices) until 31 December 2022. UKCA marking will then be compulsory to place goods on the GB market.



## Continuing preparations

We will use this extension to continue supporting industry. We are working to increase UK and overseas preparedness through more detailed engagement and support. We will also work to increase product testing capacity.



# Timeline for adopting the UKCA Marking



The implementation timeline is the same for most product types, with the exception of medical devices.

## Now (2021)

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

## From 1 January 2023

You must use the UKCA marking when placing most manufactured goods on the GB market

## From 1 January 2024

The UKCA marking must be applied directly to the product unless the legislation allows otherwise

## Until 31 December 2022

You can continue to use CE marking on your goods in most cases whilst preparing to use UKCA

## Until 31 December 2023

You can apply the UKCA marking via a sticky label or an accompany document for most goods (exceptions listed on gov.uk)





# Using the UKCA marking and placing your products on the GB market





# How to prepare goods for the GB market



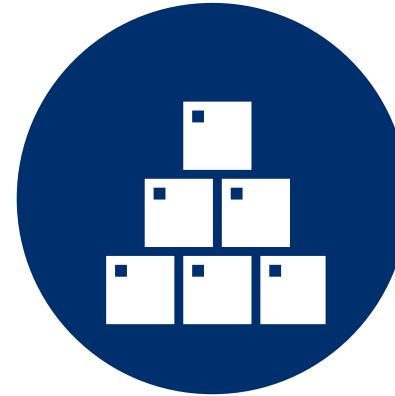
**Check which rules apply to your products**

Some products require third party conformity assessment, others can be self-assessed



**Conformity assess your products**

Use a UK conformity assessment body or self-assess and complete documentation



**Apply the UKCA marking to your product**

Ensure the UKCA marking is placed correctly to comply with product regulations



**Place your product on the market**

Check you understand the definition of placing products on the market

# Getting your products conformity assessed



Check whether your product requires third party assessment or self-assessment. If you need third party conformity assessment, you should approach a UK approved conformity assessment body immediately.

Speak to a conformity assessment body to understand your options, especially if you sell products in multiple markets.



**GB market:** All UK-based 'Notified Bodies' have automatically become UK 'Approved Bodies' for the GB market as of 1 January 2021. You can find details of UK bodies on the UKMCAB database.

**NI market:** UK bodies approving for the NI market will remain 'Notified Bodies'. These 'Notified Bodies' can be based anywhere in the UK. EU bodies will continue to be recognised as competent to certify for the NI market.



**EU market:** As of 1 January 2021, mandatory conformity assessments by UK bodies are no longer recognised in the EU.

You should arrange for separate certificates for the UK and EU markets to be ready well in advance of 1 January 2023.

# Applying the UKCA marking



In most cases, you must apply the UKCA marking to the product itself or to the packaging. This varies depending on the specific regulations that apply to the product. It is important to check these.



Our online guidance outlines the general rules you need to follow for applying the marking - you can find this on [www.gov.uk/ukca](http://www.gov.uk/ukca).



Specific product regulations set out where you must place a marking. Until 31 December 2023, you can apply the UKCA marking via a sticky label or an accompanying document for most products. After this, it must be on the product unless your specific product regulation allows alternatives.

# Placing goods on the market



## Definition

A fully manufactured good is 'placed on the market' when a written or verbal agreement (or offer of an agreement) to transfer ownership or possession or other property rights in the product is exchanged.

This refers to each individual good, not a type of good.



## Proving placement

This can usually be done through relevant documents used in business transactions e.g. contracts of sale, invoices and documents concerning the shipping of goods for distribution



## Actions

If you have placed a good on the GB market before the end of 2022, it does not require the UKCA marking and can continue to circulate until it's end user.

If you place a good on the market from 1 January 2023, it will need the UKCA marking.

# Roles and responsibilities



# Defining economic operators



## Manufacturer

The manufacturer is anyone who manufactures a product or has a product designed or manufactured and markets that product under its name or trademark.



## Importer

The importer is a person who is the first to place goods from an external market onto the market that they are established and operate in.



## Distributor

The distributor is a person, other than the manufacturer, importer or the end user, who makes goods available on the market.



## Authorised Representatives

An “authorised representative” means a person or business appointed and mandated by the manufacturer to undertake specified tasks on behalf of the manufacturer

# Check legal responsibilities for new approach goods



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.



UK-based distributors of EU goods may become 'importers' - and vice-versa. Compared to distributors, importers have additional duties to ensure products are compliant with product standards 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 July 2021, Regulation (EU) 2019/1020 - Market Surveillance and Compliance of Products Regulation - came 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 and NI).



# Responsibilities of Importers



Importers have additional duties to ensure products are compliant with product standards. These duties include:

-  Labelling goods with importer details. Until 31 December 2022, these details can be on an accompanying document rather than on the good itself
-  Ensuring the manufacturer has fulfilled their obligations
-  Keep a copy of the declaration of conformity and ensure the relevant technical documentation can be made available to enforcement authorities upon request
-  These importer responsibilities apply for goods placed on the GB market regardless of whether they are CE or UKCA marked

# Placing goods on the NI market

You can use the CE mark or UKNI and CE mark



# Placing goods on the NI market

**1**

The 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.

**2**

You can continue to use the CE marking if you either undertake self-assessment or use an EU notified body for third party conformity assessment.

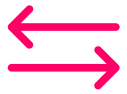
**3**

You can also use a UK Approved body for third party conformity assessment. Your product will still be tested against EU rules and you will need to use both the UKNI and CE markings.

## Key points

- You can never apply the UKNI marking on its own.
- Goods assessed by a UK approved body with the 'CE UKNI' marking are not valid for the EU market.
- If you use an EU Notified Body, you only need the CE marking.
- The UKCA marking will not be valid for the NI market.

# 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. Qualifying goods are those in free circulation in Northern Ireland.



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.



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.

# Importer responsibilities and NI



## Placing goods on the NI market from GB or non-EU countries

You are an importer if you bring goods into NI from GB or another non-EU country and place them on the NI market.

You need to make sure goods are labelled with your details and the correct conformity assessment procedures have been carried out, among other responsibilities.

## 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 goods that have been supplied to you from the EU that you want to sell in GB.

These goods will need to be labelled with your details.

# Next steps

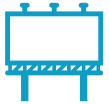


# We are updating our guidance for businesses

We will shortly be issuing a number of updates to guidance in specific areas, in response to business demand. This will cover:



Prototypes



Spare parts



Leasing and hiring goods



Repair/refurbished products



Existing stock



Components within finished products



# Take action now



- 1 Check if your product needs third party testing or if you can self-declare.
- 2 If you require third party assessment, contact a conformity assessment body as soon as possible to ensure your product can be tested in time for 1 January 2023. Use the UKMCAB data base to find one.
- 3 If you self assess, start using the UKCA marking as soon as possible.
- 4 Ensure economic operators and suppliers in your supply chain understand their responsibilities and the new requirements.



UK  
CA

## More help

 [www.gov.uk/ukca](http://www.gov.uk/ukca)

 [goodsregulation@beis.gov.uk](mailto:goodsregulation@beis.gov.uk)



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# Questions

