

UKCA Marking Guidance and UKCA FAQs – September 2021

On the 24th of August 2021 the government postponed the requirement for manufacturers to adopt the UK Conformity Assessment (UKCA) mark for goods placed in the UK market until the 1st of January 2023, allowing an additional 12 months for manufacturers to prepare. FM Approvals has updated our FAQ below to reflect this.

Please refer to official UK Government guidelines for the most up to date information regarding the implementation of the UKCA mark on the UK governments official website [here](#).

The UK Government has issued guidance regarding the placement of products on the Great Britain (GB) market when the Brexit transition period ended on December 31, 2020. The UK Government has made provision for a UK Conformity Assessed mark to apply to products being placed on the GB market from the January 1, 2021. The UK government has extended the transition period for mandatory UKCA from 31st December 2021 to December 31st 2022.

The UKCA mark will take the place of EU requirements for CE Marking and will indicate that a product placed on the GB market meets UKCA requirements.

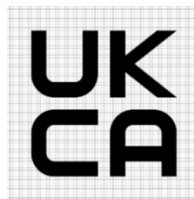
FM Approvals is a UK Approved Body and Technical Assessment Body designated by the UK Secretary of State and is committed to offering UK Ex and UK CPR certification supporting the use of the UKCA certification mark.

Below are the most common questions we have received regarding the UKCA marking process

This document will be updated as more information becomes available from the UK Government on how the UKCA marking scheme will work.

1. What is the UKCA mark?

The UKCA marking is a new UK product conformity mark that will be used for goods being placed on the market in Great Britain (England, Wales, and Scotland – see Question 3 below regarding Northern Ireland). It covers most goods which previously required the CE marking. Products will still need CE marking to be placed on the EEA market.



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The four-digit number under the UKCA mark is the UK Approved Body number for FM Approvals and would indicate that FM Approvals has issued:

- the UK Quality Assessment Notification for UK Ex equipment, or
- the UK Certificate of Constancy of Performance for CPR construction products or
- the UK Certificate of Factory Production Control

2. What are the rules for placing of the UKCA mark?

UKCA markings must only be placed on a product by the manufacturer or the manufacturer's authorized representative (where allowed for in the relevant legislation). When utilizing the UKCA marking, the manufacturer takes full responsibility for the product's conformity with the requirements of the relevant legislation and understands the following:

- The UKCA marking only shows a product's presumed conformity with the relevant UK legislation.
- The manufacturer must not place any marking or sign that may misconstrue the meaning or form of the UKCA marking to third parties.
- The manufacturer must not attach other markings on the product which affect the visibility, legibility or meaning of the UKCA marking.
- The UKCA marking cannot be placed on products unless there is a specific requirement to do so in the legislation.

The UKCA marking can be used from January 1, 2021. To allow manufacturers to adjust to the new requirements, it is possible to use CE marking until January 1, 2023 (transition period) for products intended to be placed on the GB market.

Until January 1, 2023, manufacturers of UK Ex equipment placed on the GB market have the option of placing the UKCA marking on the product or an accompanying document, e.g., instruction manuals or UK Declarations of conformity (not applicable for construction products). From January 1, 2023, the UKCA marking must be placed directly on the product.

3. What about Northern Ireland?

The UKCA marking cannot be used for goods placed on the Northern Ireland market, which require either CE marking alone or UKNI (a Northern Ireland specific mark) alongside CE marking. For Northern Ireland, it is not permitted to use the UKNI marking alone, it must always be accompanied by the CE mark.

To utilize the UKNI mark the product must be assessed by a UK conformity assessment body.

Note: It is not acceptable to place a product using the UKNI mark on the EEA market.

4. Is there a transition period to go from CE to UKCA mark?

Yes, January 1, 2021, to December 31, 2022. During this period, CE marked products will be accepted in the GB market and will provide manufacturers the time to obtain the UKCA Mark.

5. Are there any instances during the transition period where utilizing the CE mark may be unacceptable?

Only in cases where the EN (European Norm) standards for a has changed and the UK does not adopt the new EN standards. Always refer to the official published list of UK designated standards.

6. Are there any exceptions whereby the UKCA mark must be placed on a product prior to the ending of the transition period on the 31st of December 2022?

Yes, you will need to use the new UKCA marking before 1 January 2023 if all the following apply. Your product:

- is for the market in Great Britain
- is covered by legislation which requires the UKCA marking
- requires mandatory third-party conformity assessment
- was only assessed by a UK based conformity assessment body

This does not apply to existing stock, for example if your good was fully manufactured, CE marked and ready to place on the market before 1 January 2021. In these cases, your product can still be sold in Great Britain with a CE marking even if covered by a certificate of conformity issued by a UK body before 1 January 2021.

7. What happens on 31st December 2022?

The transition period where the CE mark will be accepted to place goods on the market in Great Britain will end. It is advisable that manufacturers engage with the UK Approved Body / Technical assessment body at the earliest possible time to ensure necessary certification is in place for this deadline.

8. What organisations can offer certification supporting the UKCA mark?

FM Approvals Ltd. and other UK Notified Bodies, that have become UK Approved Bodies can offer the certification supporting the UKCA mark from January 1, 2021.

9. When will the UKCA mark be available?

The UKCA marking can be used from January 1, 2021. Although UKCA marking will not be mandatory until the transition period ends on the December 31, 2022, it is advised that manufacturers begin the process of implementing UKCA certification at the earliest opportunity to avoid potential delays.

10. Is a new certificate required for UK Ex/UK CPR?

Yes, if the product currently requires assessment by an EU Notified body, then a new UK Ex/UK CPR certificate will have to be issued by a UK Approved Body or Technical Assessment Body.

11. What standards will the UK Ex/UK CPR certificates use?

UK designated standards must be used instead of harmonized standards cited in the Official Journal of the European Union. The UKCA guidance page from gov.uk states that from January 1, 2021, the UK designated standards will be the same in substance and with the same reference as the equivalent standards used in the EU. However, they will use the prefix 'BS' to indicate that they are standards adopted by the British Standards Institution as the UK's national standards body.

The certificates will no longer reference European Directives and will instead refer to UK Statutory Instruments that can be found [here](#).

12. Where can the list of the relevant UK standards be found?

The UK Government has published designated standards for the different product categories. Initially this list of standards will be identical to the standards published in the EU Official Journal for the relevant EU Directive or Regulation but may diverge over time. The list can be found [here](#).

13. Can both UKCA and CE mark be placed on products?

Yes, provided they fulfil the associated requirements for both certification schemes

14. Do UKCA issued certificates issued in 2021 have to be to UK Standards as published in the 'UK list of official Standards' (so all older certificates will need to be updated)?

Yes, all new certificates issued must in accordance with the UK list of official standards.

15. My current certificates reference outdated standards, will this require re-assessment?

At a minimum, a gap analysis will be conducted to bring your certification up to date with the latest standards. It is important to have the UK Approved Body/Technical Assessment Body conduct this review as soon as possible to avoid possible delays in the event of re-testing.

16. Who is accrediting the UK Approved Bodies and UK Technical Assessment Bodies?

UKAS (United Kingdom's National Accreditation Body) will provide accreditation on behalf of The Department for Business, Energy & Industrial Strategy (BEIS) for UK Ex and of The Department for Communities and Local Government (DCLG) for CPR.

17. Can you sell UKCA marked products into the EEA?

No. There is no mutual recognition of the UKCA conformity mark between the EU and GB. Therefore, manufacturers selling into EEA markets must continue marking products with the CE mark, however, it is possible to sell products with both CE and UKCA markings into the EEA once they fulfil the requirements of both schemes

18. What is a UK Quality Assurance Notification (QAN) Certificate?

As part of the approval for UK Ex products, a new UK Ex QAN certificate will also be required, that has been issued by a UK Approved Body. An EU ATEX QAN will not be acceptable to demonstrate compliance with the audit requirements of UK legislation.

19. Is the UK QAN certificate different to the EU QAN certificate?

Whilst it is the intention that they are essentially the same, there has been an acknowledgement that there will be some differences between the two certificates as the UK QAN will reference UK Statutory Instruments rather than EU Directives, however, the base standard used for auditing will still be ISO/IEC 80079-34.

The format of the UK QAN has been agreed by the UK Ex Group of Approved bodies.

20. What is the UK Declaration of Conformity?

The UK Declaration of Conformity is a document which must be drawn up for most products lawfully bearing a UKCA marking. It is likely to be identical to the one currently specified under EU Directives and Regulations but must be in English and reference UK law (statutory instruments) and UK standards.

In the document, the manufacturer, or the manufacturer's authorised representative (where allowed for in the relevant legislation), must:

- declare that the product is in conformity with the relevant statutory requirements applicable to the specific product
- make sure the document has the name and address of the manufacturer (or authorised representative) together with information about the product and the conformity assessment body (where relevant)

The UK Declaration of Conformity should be available to market surveillance authorities on request.

21. Can manufacturers self-declare for Category 3 hazardous area products?

As with the ATEX Directive, the UK Statutory Instrument that addresses Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres, permits a manufacturer to self-declare, under his sole responsibility, compliance with the essential health and safety requirements for Category 3 electrical equipment. Equipment that could be declared compliant under the sole responsibility of the manufacturer under the ATEX Directive can still be declared compliant under the new UK regulations.

22. Declaration of Performance

A new Declaration of Performance for the UK market will not be required until the construction product is affixed with the UKCA Mark provided that:

- The obligations of the harmonised standard and the UK Designated Standard for the construction product remain the same.
- The construction product is affixed with the CE marking.
- The Declaration of Performance is written in English.

23. Are AVCP systems for construction products to remain the same?

The UK Government has indicated that UK Designated Standards will remain the same as the EN Harmonized Standards. This means that rules (incl. Assessment and Verification of Constancy of Performance (AVCP) systems) around the affixing of the UKCA marking will be equivalent to current CE marking requirements. As a result, manufacturers will not see a change in the type of third-party assessment of conformity carried out.

24. Is a new certificate for construction products required for the UKCA mark?

Yes, a new UKCA certificate will have to be issued by a UK Approved Body for construction products subject to AVCP Systems 1+, 1 and 2+.

25. Is a new test report required for the UKCA mark?

No, unless the product has changed, or the test method has changed in the standard since the test report was issued.

26. What bodies can provide the relevant documentation if a manufacturer wishes to voluntarily affix the UKCA Mark when the construction product is not covered by a UK Designated Standard?

UK-based EU Technical Assessment Bodies, such as FM Approvals Ltd., that have become UK Technical Assessment Bodies will be able to offer this service from January 1, 2021.

These UK Technical Assessment Bodies will be able to issue the required UK assessment documents and certificates for manufacturers to voluntarily affix the UKCA Mark when the product being placed on the GB market is not covered by a UK Designated Standard.

27. Where can manufacturers find these UK Technical Assessment Bodies?

The UK Government has created a list of UK Technical Assessment Bodies similar to the EU's NANDO database.

28. Who is accrediting the UK Technical Assessment Bodies?

UKAS is the United Kingdom's national accreditation body, who audit UK Technical Assessment Bodies and recommend accreditation.

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