

Overview of Market Changes between the UK and EU from 1st Jan. 2021

This document presents a very short overview of changes to the way goods can be placed on the UK market from the EU and on the EU market from the UK following the Brexit process.

Important, ongoing negotiations over trade deals may impact transfer of goods further and the guidance in this document may become out of date.

Further information can be requested by contacting the ESA on info@europeansealing.com.

This document covers three primary areas:

- Placing manufactured goods on the market in Great Britain from 1st January 2021
- Placing manufactured goods on the EU market from 1st January 2021
- Using the UKCA mark from 1st January 2021

Placing manufactured goods on the market in Great Britain and EU from 1st January 2021

Generally the requirements are very similar whether supplying from the EU to the UK or from the UK to the EU. If you have already placed your goods on the UK or EU market before 1st January 2021, you do not need to do anything.

- For new goods, what you will need to do from 1 January 2021 depends on the type of goods you are placing on the market. There are different rules for:
 - new approach goods
 - goods regulated under the old approach
 - goods covered by national rules (non-harmonised)
 - certain other goods, such as medical devices and civil explosives
- Businesses are encouraged to be ready for full implementation of the new regime as soon as possible after 1st January 2021. However, to allow businesses time to adjust, CE marked goods can (with some exceptions) continue to be placed on the GB market until 1st January 2022 as long as EU and UK requirements remain the same.
- You must follow different rules if you are placing old approach goods on the UK market. The following goods are covered by the old approach e.g. chemicals, medicines, vehicles, aerospace
- For goods covered by national rules (non-harmonised) you must make sure that your goods meet market rules. You will need to do this even if they were previously sold in an EU country.
- There are also special rules for other goods such as medical devices, rail interoperability, construction products, civil explosives

CE marking for both the GB and EU market

UKCA marking will not be recognised in the EU or Northern Ireland markets. Products currently requiring a CE marking for sale in the EU will continue to need a CE mark.

You will not need to take any action from 1st January 2021 if either of the following apply:

- you self-declare the conformity of your good against the regulations
- you voluntarily use a testing or notified body to test against European or international standards

You may need to take additional action if your good needs third-party conformity assessment.

Goods can carry both the CE and UKCA markings so long as they are fully compliant with both UK and EU regulations.

Manufacturers

Your legal obligations will remain largely unchanged from 1st January 2021.

Pre-existing stock, fully manufactured before 31st December 2020 and conformity marked, can still be placed on the market after 1st January 2021 with existing markings and notified body numbers.

3. Using the UKCA mark from 1st January 2021

The UKCA (UK Conformity Assessed) marking is a new UK product marking that will be 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. The UKCA marking alone cannot be used for goods placed on the Northern Ireland market, which require the CE marking or UK(NI) marking.

You will need to use the new UKCA marking immediately after 1st January 2021 for some products but this does not apply to existing stock.

The UKCA marking will apply to most goods currently subject to the CE marking.

From 1st January 2021 the technical requirements ('essential requirements') you must meet (and the conformity assessment processes and standards that can be used to demonstrate conformity) will be largely the same as they are now.

The UKCA marking can be used from 1st January 2021. However, to allow businesses time to adjust to the new requirements, you will still be able to use the CE marking until 1st January 2022 in most cases. In some cases, you will need to apply the new UKCA marking to goods being sold in Great Britain immediately from 1st January 2021.

The CE marking will only be valid in Great Britain for areas where GB and EU rules remain the same. If the EU changes its rules and you CE mark your product based on those new rules you will not be able to use the CE marking to sell in Great Britain even before 31st December 2021.

There is separate guidance for medical devices, rail interoperability, construction products and civil explosives.

The UKCA marking will not be recognised on the EU market. Products currently requiring a CE marking will still need a CE marking for sale in the EU from 1st January 2021.

Future use of markings in the UK

From 1st January 2022, the CE marking will not be recognised in Great Britain for areas covered by this guidance and the UKCA marking. However, a product bearing the CE marking would still be valid for sale in the UK so long as it was also UKCA marked and complied with the relevant UK rules.

Product areas covered by the UKCA marking include:

- Simple pressure vessels
- ATEX
- Pressure equipment
- Machinery
- Restriction of hazardous substances