



## BREXIT FAQ – NOVEMBER 2020

UKAS will continue to update and augment these questions as the situation develops over the next few months.

### **Q1: Will UKAS will continue to be a member of EA, ILAC and IAF post-Brexit?**

UKAS' membership of ILAC and IAF shall be unaffected by Brexit.

As the UK has now left the European Union it no longer meets the current EA membership criteria as a Member State or candidate country. However, EA has expressed the importance of retaining UKAS as a member, even after the withdrawal of the UK from the EU. Accordingly, EA has revised its Articles of Association which has allowed UKAS to maintain its membership for a further 2 years from 1 February 2020 to 31 January 2022. During this extension period EA is continuing to work with UKAS to consider further amendments to its Articles of Association with the aim that UKAS can remain an EA member after 31 January 2022.

Currently UKAS continues to be peer evaluated by EA in order to maintain its [MLA signatory status](#) and UKAS accreditation continues to fall under the EA MLA as well as the [ILAC MRA](#) and [IAF MLA](#).

### **Q2: What is the legal status, as from the withdrawal date, of accreditation certificates issued by the United Kingdom Accreditation Service (UKAS)?**

During the transition period UKAS accreditation is recognised in the same way as it was before Brexit.

If no deal is reached by the end of the transition period on 31 December, the European Commission will no longer recognise the validity of UKAS accredited certificates where EU legislation requires conformity assessment to be awarded by a national accreditation body of a Member State.

However, as UKAS shall remain a full signatory of European and International Mutual Recognition Agreements (such as the European cooperation for Accreditation, International Accreditation Forum and International Laboratory Accreditation Cooperation) all UKAS accredited certificates and reports (with the exception of those related to EU Regulations/ Directives and Schemes requiring accreditation by a national accreditation body of a Member State) should continue to be recognised within Europe and around the world.

### **Q3: Will UK Regulators continue to recognise UKAS accredited conformity assessment activities?**

Yes, the situation is not expected to change.



**Q4: Will UKAS accreditation be valid for non-regulatory purposes?**

Yes. Outside of the EU regulatory requirements UKAS accreditation will still be recognised in the voluntary sector under the EA, ILAC & IAF multilateral agreements, and certificates and reports issued under UKAS accreditation will continue to be valid.

**Q5: Will my UKAS accredited ISO 9001 certificate still be valid after we leave the EU?**

Yes. UKAS' membership of EA, IAF, and ILAC will continue and as such all certificates issued under UKAS accreditation, including all management systems certificates, will continue to be covered under the Multilateral Agreements so will continue to be accepted. However, the exception to this is in relation to European legislation where the certificate is required to be issued by a certification body accredited by the National Accreditation Body of an EU Member State.

Although this affects only a very limited number of certificates it is important that all certified organisations check product certification conformance before the new UK/EU arrangement comes into place.

**Q6: My organisation is currently a Notified Body. Do I have to do anything to become a UK Approved Body at the end of the transition period?**

The Government has stated that UK-based Notified Bodies will automatically have their status converted to that of an Approved Bodies, and therefore no action is required. In the event that a Body does not want to become an Approved Body then please contact your UKAS Assessment Manager to inform them of this decision.

This transition also applies to UK-based Recognised Third Party Organisations (RTPOs), User Inspectorates (UIs) and Technical Assessment Bodies (TABs), which will automatically become UK-recognised RTPOs, UIs and TABs respectively.

More information is available from:

<https://www.gov.uk/guidance/conformity-assessment-bodies-change-of-status-from-1-january-2021>

However, under the Northern Ireland Protocol UK Notified Bodies should still be able to undertake conformity assessment activities as part of the CE marking process for goods destined to be placed on the Northern Ireland market. Existing UK Notified Bodies are not required to undertake any action to be recognised for the purposes of the UK(NI) – CE Marking process.

**Q7: Will my status as an EU Notified Body continue post-transition?**

The European Commission has stated that if at the end of the transition period on 31 December there is not a deal in place UK Notified Bodies will no longer be recognised for CE marking purposes.



However, under the Northern Ireland Protocol UK Notified Bodies can still undertake conformity assessment activities as part of the CE marking process for goods destined to be placed on the Northern Ireland market. For these goods the CE Mark must be accompanied by the UK(NI) Mark and therefore the goods will only be accepted in Northern Ireland and the rest of the GB market; they shall not be accepted within the EU.

**Q8: UKCA Mark – when does it come into force?**

The UKCA Mark will automatically come into force at the end of the transition period on 1 January 2021.

**Q9: How long will the Government continue to accept the CE Marking for goods to access the UK market?**

From the 1<sup>st</sup> January 2021 no UKAS accredited conformity assessment bodies will be able to issue CE conformity assessment.

Manufacturers will be able to use the CE marking until 31 December 2021 for goods entering the GB market if any of the following apply:

- you currently apply the CE marking to your good on the basis of self-declaration
- any mandatory third-party conformity assessment was carried out by an EU-recognised notified body (including a body in a country with which the EU has a relevant mutual recognition agreement)
- the certificate of conformity previously held by a UK approved body has been transferred to an EU-recognised notified body

However, the rules relating to the Northern Ireland market are different. Under the Northern Ireland Protocol CE Mark will continue to be required for goods entering the NI market, even after 1<sup>st</sup> January 2021. This can be either the CE Mark following conformity assessment from a Notified Body in an EU Member State, or a CE Mark in combination with the UK(NI) Mark from a UK Notified Body. This shall continue to be the case as long as the NI Protocol remains valid.

**Q10: Will there be a NANDO database equivalent?**

The Government is establishing a new domestic UK database of UK Approved Bodies to replace the EU's NANDO database; the UKMCAB. The database will be fully operational from 1 January 2021. There will be a direct link between this database and the UKAS schedule database.

If a deal is reached before the end of the transition period and depending on the detail of such a deal, there is a possibility that UK Approved Bodies may also continue to be listed on the EU's NANDO Database.



**Q11: My organisation can no longer attend relevant EU committees which is a condition of UKAS accreditation. Does this mean that the organisation can no longer be accredited?**

UKAS is aware that following the UK's exit from the EU on 31<sup>st</sup> January UK Notified Bodies (and other designations such as Recognised Third Party Organisations, User Inspectorates and Technical Assessment Bodies) are no longer able to attend EU GNB Coordination Group Meetings. UKAS recognises that the EU decision to exclude Notified Bodies from these meetings during the transition period is not one that CABs can influence and that it would therefore be unfair for it to impact on their accreditation status. In the absence of attendance at these meetings UKAS requires that Notified Bodies should use all other available methods of remaining apprised of coordination activities through for example, accessing and reading the minutes of relevant Committee meetings and are able to demonstrate implementation of any changes and development agreed by Committees which might impact on their accredited services.

**Northern Ireland Protocol**

The arrangements detailed above apply to conformity assessment activities for placing manufactured goods on the GB market. The Northern Ireland Protocol includes a number of special provisions which apply only in Northern Ireland, for as long as the Protocol is in force. UKAS will continue to be recognised as the National Accreditation Body for Northern Ireland and is currently in detailed discussions with BEIS about how the arrangements for UKAS accredited conformity assessment of products for the NI market will work.

**Q12: Who can undertake conformity assessment for the purposes of the UK(NI) mark?**

The Govt has stated that UK bodies shall still be permitted to undertake assessment for products destined for the Northern Ireland market, but these products will need to be labelled with the UK(NI) mark in addition to the CE Mark.

**Q13: When do I use the UK(NI) mark?**

Products currently requiring the CE mark, for sale in Northern Ireland, under the requirements of the Protocol, will continue to need to use this marking. The UK(NI) mark accompanies, but does not replace, the relevant EU conformity mark on certain goods. Products carrying both the CE mark, and the UK(NI) mark cannot be placed on the EU market. Harmonised goods carrying only the UKCA mark will not be valid for the Northern Ireland market.

You need to use the UK(NI) marking if:

- you're placing certain goods on the Northern Ireland market after the end of the transition period; and
- you need to have your good assessed by a third-party conformity assessment body; and
- you are using a UK notified body now or you plan to after the end of the transition period



**Current guidance on moving goods from the GB to NI markets is available here:**

<https://www.gov.uk/government/publications/moving-goods-under-the-northern-ireland-protocol/moving-goods-under-the-northern-ireland-protocol-section-two-moving-goods-from-great-britain-to-northern-ireland#great-britain-to-northern-ireland-manufactured-goods>

Additional Government guidance for using the EU conformity (including CE), UK(NI) and UKCA markings is due to be published on the BEIS Government website shortly.