



Department for
Business, Energy
& Industrial Strategy

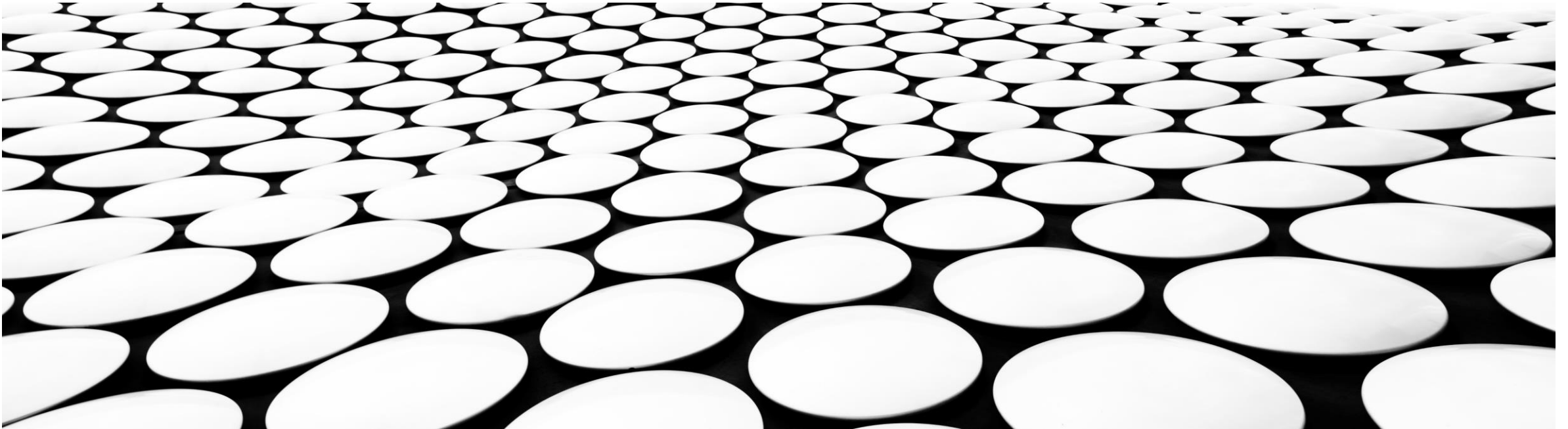


UKAS

United Kingdom
Accreditation Service

UK APPROVED BODIES AND THE UKCA MARK

25 FEBRUARY 2021



AGENDA

- Update from BEIS

Danny Langley

Deputy Head - Trade & Investment Negotiations

Jonathan Kingley

Policy Advisor

- Update from MHCLG

Ahad Sayed

Policy Officer for the Construction Products Regulations &
National Regulator for Construction Products

- Update from DfT

Philip Tucker

Team Leader, EU Division

- Update from UKAS

Lorraine Turner

UKAS Accreditation Director

- Questions & Answer session



Department for
Business, Energy
& Industrial Strategy



Ministry of Housing,
Communities &
Local Government



Department
for Transport



UKAS

United Kingdom
Accreditation Service



HM Government

UK TRANSITION



UK Conformity Assessment Body Event

This session covers how UK Conformity Assessment Bodies, RTPOs and UIs will be affected by the new domestic regime from 1 January 2021.

Speakers: Department for Business, Energy and Industrial Strategy (BEIS) Ministry of Housing, Communities and Local Government (MHCLG), and Department for Transport (DfT)



AGENDA

- ❖ **Overview of new UK regime for conformity assessment**
 - Great Britain
 - Northern Ireland
- ❖ **Transition to the new regime**
 - Notified bodies for NI market, Approved bodies for GB market
 - Transfer of information and issuing certificates
 - UKMCAB
- ❖ **UK CABs and international trade**
 - Mutual Recognition Agreements (MRAs)
- ❖ **Next steps for UK conformity assessment**
 - Expanding scope
 - Subcontracting
- ❖ **MHCLG update**
- ❖ **DFT update**

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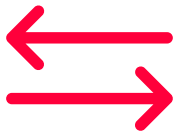
OVERVIEW OF NEW UK REGIME FOR CONFORMITY ASSESSMENT – GREAT BRITAIN



- The transition period ended on 31 December 2020. A new UK regulatory regime has now come into force for manufactured goods being placed on the GB market.



- The UK was not able to secure a Mutual Recognition Agreement (MRA) with the EU on conformity assessment
- Without an MRA, UK conformity assessment bodies (CABs) are no longer able to carry out mandatory conformity assessment for products being placed on the EU market.



- Similarly, EU CABs are no longer able to carry out mandatory conformity assessment for products being placed on the GB market.
- EU Notified Bodies are required to share information with UK approved bodies when requested by a certificate holder, and UK approved bodies should do the same with EU notified bodies.

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CE and UKCA marking



CE Marking

- Manufacturers that self-declare or use an EU Notified Body, can still use the CE marking until 1 January 2022 for goods placed on the GB market (more in some cases). In this case, they can use their EU Declaration of Conformity until 1 January 2022.
- Manufacturers should already be contacting UK-based bodies to have their products conformity assessed for the UKCA mark.
- The CE marking is still required for products placed on the EU market.
- Manufacturers can place the UKCA and CE marking on the same product if it is destined for both the GB and EU markets so long as the product meets the rules for both markets.

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UKCA Marking

- New Approach goods assessed against GB rules by a GB 'Approved Body' will need the UKCA (UK Conformity Assessed) marking and a UK Declaration of Conformity.
- Manufacturers can self-declare for the UKCA marking, as they can with the CE marking.
- Since 1 January 2021, the essential legal requirements that businesses must meet did not change. All harmonised standards became 'designated standards'.



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FOR INFO
ON:
DESIGNATED
STANDARDS**

PLACING GOODS ON THE NI MARKET

- The Ireland/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.
- The CE marking will continue to be relevant marking for most goods. Manufacturers that self-declare for CE, can continue to do this when placing goods on the NI market.
- The CE marking will need to be accompanied by the UKNI marking when products have undergone mandatory third-party conformity assessment by a UK-based body. This is now the case, and this rule applies to existing stock that was not already placed on the market by the end of the 2020 (if that existing stock was assessed against relevant EU rules by a UK Notified Body). **Goods with the 'CE UKNI' marking are not valid for the EU market.**
- The UKNI is never applied on its own. It always accompanies the relevant EU conformity marking.
- If a manufacturer uses an EU Notified Body, they will only need to use the CE marking.
- The UKCA marking alone will not be valid for the NI market.

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NI

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.
- This means that qualifying Northern Ireland goods marked with the CE marking or CE plus UKNI marking can be placed on the GB market, including after 31 December 2021 and even if EU and GB rules diverge.
- For highly regulated goods (e.g. chemicals and medicines), which pose a particular risk to the consumer, some basic information will need to be provided to the GB market regulator to place that good on the GB market. There is detailed guidance for these goods on gov.uk.
- Guidance is also available on gov.uk on how manufacturers can check whether their goods qualify for the arrangements in place to support NI's unfettered access to the rest of the UK market.

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* There will be only extremely limited exceptions to this for certain controlled products, for example the movement of radioactive waste.

NOTIFIED BODIES FOR NI MARKET, APPROVED FOR GB MARKET



NI Market:

- CABs in the UK automatically retained their status as Notified Bodies for placing products on the NI market only, (as per Article 7(3) of the Northern Ireland Protocol). EU bodies are also still recognised as competent to certificate for the NI market.
- UK-based bodies will keep the same 4-digit identification number as they have now.



GB Market:

- Additionally, most CABs in the UK automatically had their status converted under the new UK framework to being approved bodies for placing products on the GB market.
- Letters of appointment or designation are being issued by the relevant competent authorities to UK CABs notifying them of their status. UKAS has updated schedules of accreditation in support of this.
- UK-based bodies will keep the same 4-digit identification number as they have now.



EU Market:

- As of 1 January 2021, mandatory conformity assessments by UK bodies stopped being recognised in the EU.

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TRANSFER OF INFORMATION AND ISSUING CERTIFICATES



- Manufacturers need to arrange for separate certificates for the UK and EU markets to be ready well in advance of 1 January 2022.
- Article 46 of the UK-EU Withdrawal Agreement states that upon request by a manufacturer, a CAB located in the UK or EU should share with a body located in the other market, information they hold in relation to conformity assessments carried out before the end of the Transition Period.
- It is the responsibility of individual UK CABs to assure themselves that products for which they are issuing certificates are compliant. It is not necessarily required to retest or fully re-assess a product or process before a UK body issues a new certificate.
- It is not a condition of UK CABs' accreditation that they have directly conducted all assessments that underpin certificates for which they are responsible. This has been confirmed with UKAS.
- Separate guidance will be published by UKAS, following discussions with MHCLG, in relation to AVCP System 3 for construction products.

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TIMELINE FOR UKCA

Now (2021)

You can conformity assess for the UKCA marking.

From 1 January 2022

The UKCA will be need to be used for most goods* from 1 January 2022.

From 1 January 2023

The UKCA marking must, in most cases, be affixed directly to products.

On 16 July 2021

Market Surveillance and Compliance of Products Regulation (EU) 2019/1020 comes into effect, which means manufacturers may need to appoint an EU representative if there is no other economic operator in place (when exporting to the EU and NI).

Until 1 January 2023

For most goods, manufacturers can affix the UKCA marking on a label affixed to the product or on an accompanying document.

* The CE marking will continue to be recognised in GB until 30 June 2023 for medical devices. Make sure you consult the sector specific guidance.

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UK MARKET OF CONFORMITY ASSESSMENT BODIES (UKMCAB) DATABASE



- The UKMCAB database lists all bodies who can provide conformity assessment for goods placed on the UK market. It contains up to date information and is a UK replacement for the EU's NANDO database.
- UKMCAB can be found at: <https://www.gov.uk/uk-market-conformity-assessment-bodies>



- Please ensure you check your entry on the database and email approvedbodies@beis.gov.uk any information displayed on UKMCAB is incorrect.

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MUTUAL RECOGNITION AGREEMENTS (MRAS)



- The UK has agreed arrangements that replicate the effect of the EU's MRAs on conformity assessment with **Australia, New Zealand, the United States, Japan, Canada and Israel.**
- Most of these agreements have taken effect from 1 January 2021. We have arranged with Japan and Canada that they will continue to accept conformity assessment for the short time until the MRAs are applied in their domestic system.



- There is also ongoing work across Government exploring the possibility of agreeing MRAs with other trading partners.
- Details of UK MRAs can be found at: www.gov.uk/guidance/uk-trade-agreements-with-non-eu-countries

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EXPANDING SCOPE



- UKAS has retained its role as the UK's national accreditation body.
- If your body would like any addition or change to your accreditation schedule you will need to apply for an extension to scope with UKAS.
- Once UKAS has issued an accreditation certificate to an applicant. The applicant should then submit an application for appointment to the BEIS to approvedbodies@beis.gov.uk
- For non-UK bodies, to be eligible for appointment as a CAB for the GB market, an applicant must be a legal entity in the UK or a country with which the UK has agreed an MRA (with the exception of Pyrotechnics).
- An extension to scope falls into three distinct areas:
 1. Adding a new activity to your schedule of accreditation (e.g. a new method, sector code or scheme)
 2. Changing an existing activity on your schedule of accreditation (e.g. for a revised version of a standard/scheme or a new technique for an existing method)
 3. Adding a new location



For more information, please refer to the UKAS website: <https://www.ukas.com/>

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EXPANDING SCOPE



- For Pyrotechnics, a third-party CAB can be established in a country outside of the UK without the existence of an MRA Mutual Recognition Agreement.
- This body will still need to meet the necessary remaining requirements for appointment as an Approved Body for the GB market and go through UKAS' accreditation process. This exception **applies only to pyrotechnics**.



- In all other cases CABs assessing against UK regulations must be based in the UK or in a country with which the UK has an MRA Mutual Recognition Agreement.
- UK bodies are encouraged to consider the opportunities to expand into this sector, where there is demand for conformity assessment covering a range of products from fireworks to airbags and seatbelt pretensioners for the automotive industry.



- There are also no UK conformity assessment bodies for cableway installations.
- CABs may also want to consider opportunities to expand their services to cover specific product categories within existing legislation.

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SUBCONTRACTING



- UK-based bodies are able to continue subcontracting activities to non-UK bodies.
- Subcontractors must have the ability to conform to the requirements placed on the subcontracting UK-based body.
- You need to maintain various information, such as documentation of the procedures, list of facilities, etc.
- An Approved Body for the GB market / UK Notified Body for the NI market will, at all times, be responsible for ensuring that the conformity assessment is carried out in accordance with the requirements of the relevant regulations.



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ENGAGEMENT SURVEY



- In light of the new UK regulatory regime, we plan to send a **survey** to all UK-based Approved Bodies to better understand subcontracting, extensions to scope and more.
- Responses to this survey will be critical in helping us to identify what barriers, you may be facing in the build-up to the end of the transitional arrangements that last until 1 January 2022.

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FIND OUT MORE ABOUT CURRENT GOVERNMENT GUIDANCE

1. Placing UKCA and CE marked goods on the GB market from 1st January 2021: www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain-from-1-january-2021
2. Placing manufactured goods on the NI market from 1st January 2021: <https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-northern-ireland-from-1-january-2021>
3. Moving qualifying goods from Northern Ireland to the rest of the UK: <https://www.gov.uk/guidance/moving-qualifying-goods-from-northern-ireland-to-the-rest-of-the-uk>
4. Placing manufactured goods on the EU market from 1st January 2021: www.gov.uk/guidance/placing-manufactured-goods-on-the-eu-market-from-1-january-2021
5. Using the UKCA marking from 1st January 2021: www.gov.uk/guidance/using-the-ukca-mark-from-1-january-2021
6. Using the UKNI marking from 1st January 2021: <https://www.gov.uk/guidance/using-the-ukni-marking-from-1-january-2021>
7. Conformity assessment bodies: status from 1st January 2021: www.gov.uk/guidance/conformity-assessment-bodies-change-of-status-from-1-january-2021
8. Applying to be a UK conformity assessment body for product safety and metrology: <https://www.gov.uk/guidance/apply-to-be-a-uk-cab-for-product-safety-and-metrology>
9. UK conformity assessments: <https://www.gov.uk/guidance/uk-conformity-assessment>

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For any queries regarding this guidance please email goodsregulation@beis.gov.uk



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Ministry of Housing,
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Local Government

Construction Products Regulation

UKCA marking – beyond the CE mark



Ministry of Housing, Communities & Local Government

End of the transition period

- On 1st January 2021, our EU Exit legislation for construction products came into force in Great Britain and Northern Ireland.
- Current UK CPR guidance is provided on gov.uk:
<https://www.gov.uk/guidance/construction-products-regulation-in-great-britain>
- UK notified bodies became UK approved bodies listed on UKMCAB database: <https://www.gov.uk/uk-market-conformity-assessment-bodies>
- Current harmonised European standards for construction products became UK designated standards. Currently the same standards as listed in OJEU.
<https://www.gov.uk/guidance/designated-standards>
- Existing responsibilities to mark, declare performance (DoP) and put in place assessment and verification of performance remain in place
- Northern Ireland will continue to follow EU CPR rules, including CE marking and EU harmonised standards.



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Preparation for ending CE marking recognition in Great Britain



Businesses must prepare for the end of recognition of the CE mark in GB and affix the UK marking using a UK-recognised approved body from 1 January 2022.

Manufacturers currently using an EU notified body to affix CE marking will need to either:

- arrange for information held by their existing EU notified body to be transferred to a UK AB so they can issue them with a new certificate, or
- get their products reassessed by a UK approved body.

CPR provides for the use of subcontractors. We recommend you refer to the CPR legislation and EU guidance published on 26 October 2017.



Ministry of Housing, Communities & Local Government

UK CPR testing capacity

At the end of 2021, all construction products covered by a UK designated standard will need to have been tested by a UK-based CAB.

As gaps in testing have been identified by the construction industry, MHCLG is currently looking into UK testing capacity issues.

We sent a spreadsheet to all UK approved bodies accredited for CPR on Monday, and would kindly request returns by 1 March 2021.





Ministry of Housing,
Communities &
Local Government

UK Group of Approved Bodies (UK GAB) and UK Technical Assessment Bodies (UK TABS)

UK
CA

- MHCLG is currently working to help set up a permanent UK Group of Approved Bodies. In the interim, we are considering the best way we can support and promote UK Approved Bodies coordinating activity in the immediate term.
- MHCLG is working with UK TABs to engage with EOTA on the use of EADS, and how the UK TABs and EOTA can cooperate going forward in the creation of UK assessment documents.



- To ensure that all construction products are covered by a regulatory regime, we are proposing to:
- **Maintain** the current CPR approach for products with existing harmonized standards;
- **Introduce** similar requirements for ‘safety critical’ products;
- **Require** other construction products to be safe.
- **Establish** a new national construction products regulatory role
- Schedule 8 on the Construction Products Regulations in the draft Building Safety Bill.



- ‘Safety critical products’ are defined as products where ‘any failure of the product would risk causing death or serious injury to any person’.
- A construction product is a ‘safe product’ if, under normal conditions of use (including duration of use and any conditions relating to installation or maintenance), and taking into account any packaging, warnings or information with which it is supplied— (a) the product does not present any risk to the health or safety of persons, or (b) if it does, the risk is as low as it can be compatible with using the product at all.
- Manufacturers will be required to consider the risks associated with the reasonable use of the product, minimise those risks and provide information about any remaining risk
- This is different from the standards-based approach being proposed for products with designated standards and ‘safety critical products’
- Key advantages:
 - Doesn’t require lengthy standard setting
 - Safety focused approach



Marketing of construction products by Industry

- New Code for construction products information: Code for Construction Product Information (CCPI): <https://buildingsafely.co.uk/>

Independent Review into the testing of construction products (announced 19th January) .

- The government has also commissioned an independent review to examine weaknesses in previous testing regimes for construction products, and to recommend how abuse of the testing system can be prevented.
- It will be led by a panel of experts with regulatory, technical and construction industry experience and will report later this year with recommendations



Ministry of Housing, Communities & Local Government

National Construction Products Regulator (NCPR) and Building Safety Regulator (BSR) areas of responsibilities

The general roles of two bodies can be understood as:

- NCPR responsibilities will solely be concerned around the manufacturing and marketing of a construction product. Office of Product Safety and Standards (OPSS) taking on the role of regulator from April 2022.
- Once the product is installed as part of a wider system in a building, Building safety checks for high-rise buildings fall on the BSR, and other dwellings to Building Control Bodies, but ultimately it is the owner who takes on the responsibility of meeting building regulations requirements. Regulator already set up in Health and Safety Executive (HSE).

There will be a requirement for information sharing between the NRCP and BSR regulators.

Construction products	Building construction
Construction products covered by harmonised European standards/designated standards, safety critical products and products covered by a general safety requirement	high rise buildings over 18 meters, and other buildings covered by the Building regulations.
Economic operators (manufacturers authorised representatives, importers and distributors)	Designer/ Constructor/ Building owner
Current Enforcement: local authority Trading Standards and NI District Offices	Current Enforcement : LABC, Approved inspectors, Competent Persons Schemes
NCPR for all construction products	BSR for high rise buildings
Enforcement issues to be dealt by LA Trading standards and if required passed onto NCPR	Enforcement issues dealt by LA Building Control Bodies



Enforcement powers

We will enable use of the existing powers held by the Secretary of State to cover more products ((1) Issue a prohibition notice; (2) issue a notice to warn; (3) a notice to request information records, and extend enforcement powers held by Trading Standards to the Secretary of State (below) and will create powers to enforce the duties on economic operators.

- Suspension notices;
- Forfeiture of construction products, including to seize and detain;
- Powers to make test purchases to check for non-compliance:
- Powers of search
- Extending the Secretary of State's powers to enforce against additional categories of products in scope of regulations.
-

Offences and Penalties

The regulations will also set out a number of offences and penalties for breaches, which will mirror those set out in the Construction Products Regulations 2013 and are intended to extend to the Secretary of State for all products within scope of new legislation. The Regulator will therefore be able to prosecute offenders, including taking court action.



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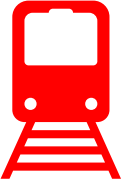
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DEPARTMENT FOR TRANSPORT

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OVERVIEW OF CHANGES



- Scope
 - Most relevant sectors
 - Cableways
- 
- Rail products
 - Marine equipment
 - Transportable pressure equipment
- 

Please send further queries to: Philip.Tucker@dft.gov.uk

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BREXIT: Implications for conformity assessment

Lorraine Turner, Accreditation Director

Thursday 25th February 2021



Brexit – Implications for conformity assessment

- UKAS as the National Accreditation Body
- UK Government and accreditation in the UK
- UKAS Membership of EA
- Implementation of UKCA marks and the appointment of UK Approved Bodies
- NI Protocol
- Ongoing acceptance of UKAS Accreditation
- Role of accreditation to support new trade deals

The UK's National Accreditation Body

- UKAS was previously appointed as the UK's NAB via the [Accreditation Regulations 2009 \(S.I. No 3155/2009\)](#) which calls up [Regulation \(EC\) No 765/2008](#)
- Although from beginning of 2021 Regulation (EC) No 765/2008 no longer applies to UK

..... it has been designated as a 'Retained Regulation' as amended by the ['Mega S.I.' The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)

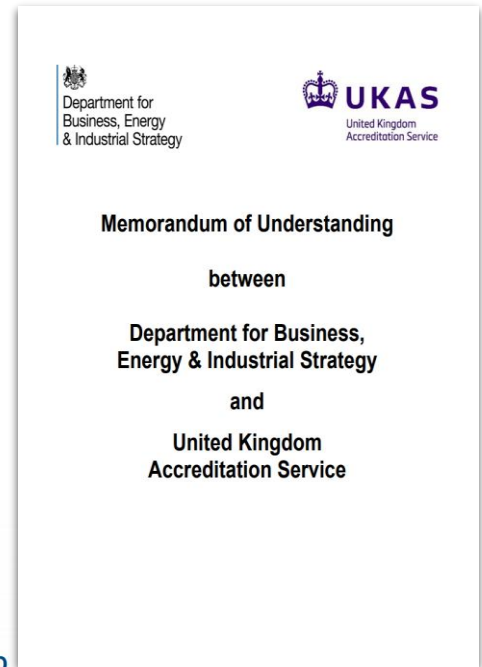
- Article 4: *"The appointment of the UK national accreditation body under regulation 3 of the Accreditation Regulations 2009(b) is to be treated on and after exit day as having been made in pursuance of the duty on the Secretary of State to appoint a UK national accreditation body"*

Our status as the UK's NAB is therefore secured



UK Government and Accreditation in the UK

- UKAS-BEIS MoU: this has been updated
- Revised Govt Policy on Accreditation & Conformity Assessment
- Govt shall only recognise accreditation of UK CABs by the UK NAB (UKAS)
- Approved (and similarly appointed) Bodies must be established in UK

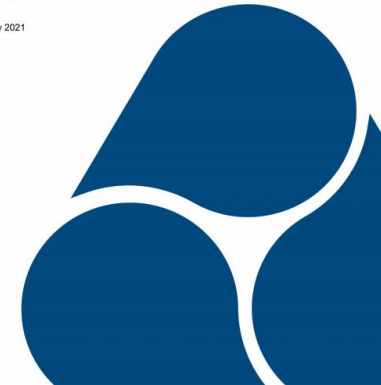



Office for Product
Safety & Standards

CONFORMITY ASSESSMENT AND ACCREDITATION POLICY IN THE UNITED KINGDOM

Guidance

January 2021



EA Membership - Current Articles

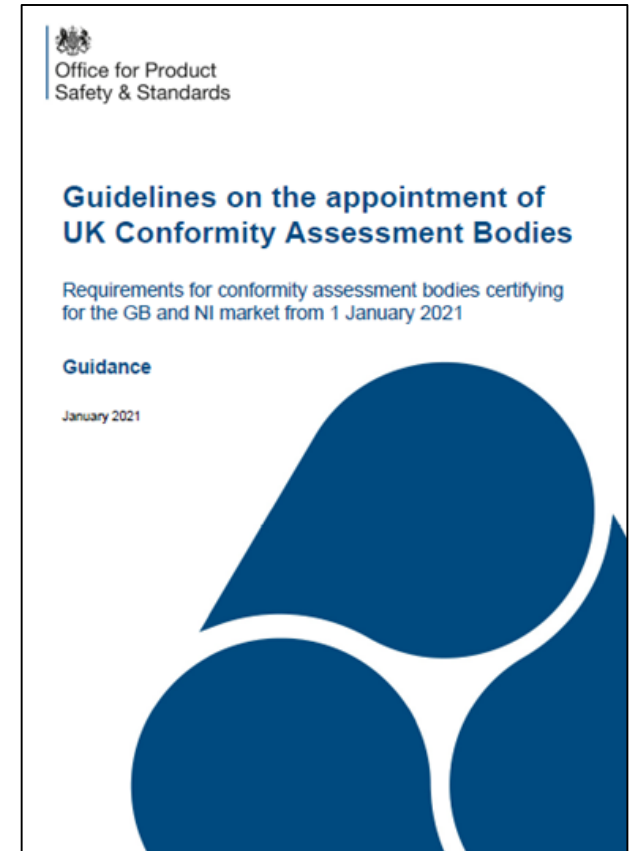
- **Full Members** are NABs legally appointed as referred to in regulation (EC) number 765/2008 in:
 - a member state of the EU; or
 - a member state of the EFTA; or
 - a country which has been formally identified as a candidate country for membership in the EU or EFTA;
- **Associate Members** are the NABs legally appointed as such by countries or economies being:
 - identified by the EU or EFTA as potential candidate countries or economies for EU or EFTA membership; or
 - identified by the EU in the EC's European Neighbourhood Policy as countries or economies of particular importance.

EA Membership – Recent developments

- AoA amended to allow Members who no longer meet requirements to maintain membership for up to 2 years, as determined by the GA
- UKAS no longer met AoA when UK left EU – 31 January 2020
- EA GA Resolution 2020 (45) 01 confirmed UKAS Full Membership until **31 January 2022**
- EA Resolution 2017 (40) 01 – The EA Executive Committee to start a new work item to revise the EA Articles of Association with respect to membership criteria and voting rights.
- Options proposed and constructive discussions are ongoing

UKAS Accreditation: Approved Bodies

- Guidance now published for Approved Bodies (BEIS)
 - UK based CABs
 - Accreditation is the recommended route
- EU Rules still apply in NI
- UK CABs can be appointed as UK NB (for NI market only)
 - Assess products against EU rules (CE + UKNI marks)
 - Process for appointment is the same as Approved Bodies
- UKAS open to receive applications for Approved Bodies – Both for extensions to existing scope and from new applicants



Approved Bodies

- Accreditation schedules were revised at end of 2020; they contain:
 - For UKCA: reference to UK regs
 - For UKNI: reference to EU Directive as implemented by UK regs
- Existing NBs were automatically transferred to both Approved Bodies and UK NBs (for NI only) and are included in the UKMCAB database
- UKAS publication GEN 5 (Approved Bodies) replaced P16; preferred standards list from EA-2/17 has been incorporated
- EA-2/17 remains valid for UK NBs undertaking work for NI market
- All Approved (and similarly appointed) Bodies are required to sign the revised confidentiality waiver allowing UKAS to share data with the relevant Competent Authorities

Brexit – impact in other areas

- Use of accreditation to support other UK regulations – outside of ‘new approach’ legislation
- Use of accreditation in the voluntary standards area – UKAS membership of EA MLA and ILAC/IAF MRAs remains relevant – ‘equally reliable’
- UKAS continues to provide advice to UK Govt on the use of accreditation and conformity assessment to support new trade deals; accreditation is a reliable tool to reduce the TBT
- UK will continue to benefit from a sole NAB, operating on a not-for-profit basis in the national interest



Thank you

A world of confidence

Q&A Session

