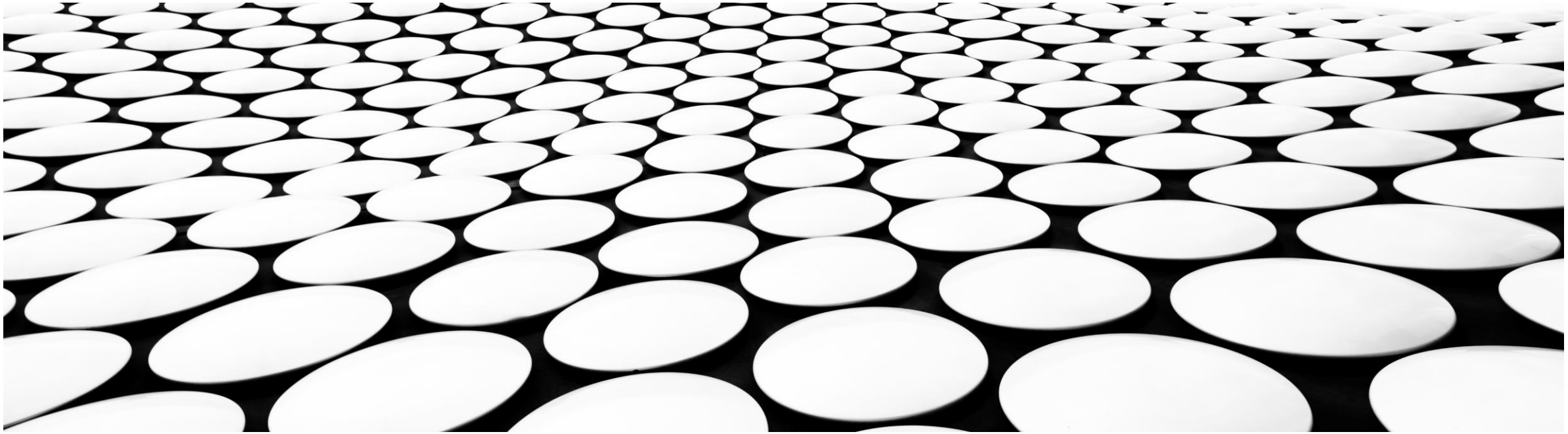
Department for Business, Energy & Industrial Strategy

UKAS
United Kingdom Accreditation Service

APPLYING TO BECOME A UK APPROVED BODY

07 JUNE 2021



AGENDA

- **Update from BEIS**
  Ben Lucken, Senior Policy Advisor for Trade and Investment Negotiations (Manufactured Goods)
  Jamini Haria, Policy Advisor for Trade and Investment Negotiations (Manufactured Goods)

- **Update from MHCLG**
  Ahad Sayed, Policy Officer for the Construction Products Regulations

- **Department for Transport: Overview of Process by Transport Sector**
  Philip Tucker, DfT Team Leader – EU division

- **UKCA Marking and the role of UKAS**
  Kevin Belson, UKAS Technical Manager

- **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

Applying to become a UK Approved body

Speakers:

Department for Business, Energy and Industrial Strategy (BEIS)

Ministry of Housing, Communities and Local Government (MHCLG)

Department for Transport (DfT)

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AGENDA

- **Overview of UK regime for conformity assessment**
  - UKCA marking
  - Placing Goods on the market
- **Transition to the UK regime**
  - Notified bodies for NI market, Approved bodies for GB market
  - Transfer of information and issuing certificates
  - UKMCAB
- **Becoming a UK approved body**
  - Expanding scope
  - Subcontracting
- **MHCLG overview**
- **DFT overview**

VISIT
GOV.UK/TRANSITION

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.

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 have not changed. All harmonised standards has become 'designated standards'.

SCAN NOW FOR INFO ON: DESIGNATED STANDARDS

TIMELINE FOR UKCA

Now (2021)

You can conformity assess for the UKCA marking.

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).

From 1 January 2022

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

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.

From 1 January 2023

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

* 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.

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 the 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 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.

UK
NI

NOTIFIED BODIES FOR NI MARKET, APPROVED BODIES FOR THE 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.

TRANSFER OF INFORMATION AND ISSUING CERTIFICATES

- 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.

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 if any information displayed on UKMCAB is incorrect.

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

EXPANDING SCOPE

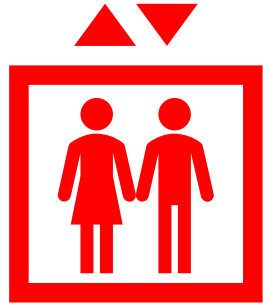
- The following sectors in the UK market have been identified with greater CAB capacity risks and present an opportunity for new approved bodies to expand their scope.

Construction Products

Pyrotechnics

Cableways

Outdoor noise



Lifts

- Approved bodies are encouraged to consider expanding their scope to meet demand in these sectors.

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.

BECOMING A UK APPROVED BODY

- You can apply to become a UK approved body by submitting an application to UKAS via their website.
- To be eligible to become a UK approved body, applicants must be a legal entity in the United Kingdom or a country with which the UK has agreed an MRA (with the exception of Pyrotechnics). Established means that there must be an active UK registered office for which the key technical policies and decisions are made. It is not necessarily expected that the technical management is physically based at the UK office, but it must be part of the UK structure for decision making purposes. It is recognised that the actual conformity assessment activities can take place outside of the UK, but they shall be under the direct managerial and technical control of the registered UK office.

- Applicants should indicate the conformity assessment procedure, activities and particular products for which they wish to be accredited. Applicants will be required to have documented procedures covering all aspects of it's conformity assessment work to demonstrate conformity with the requirements set out in regulations.
- Once UKAS has completed it's assessment and all requirements have been met, UKAS will issue a accreditation certificate and schedule to the applicant. The applicant should then submit an application for appointment to BEIS at approvedbodies@beis.gov.uk.
- Following approval, a letter of appointment and identification number will be issued and the approved body's details will be entered on the UK Market CAB (UKMCAB) database.

APPLYING TO EXTEND SCOPE

- 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.

- 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

- Once UKAS has issued an accreditation certificate to an applicant. The applicant should then submit an application for appointment to BEIS at 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).

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

SUB-CONTRACTING

- UK-based bodies can subcontract activities to non-UK bodies.
- Approved bodies can only subcontract a task for which it has the technical competence itself.
- Sub-contractors do not need to be Approved bodies themselves. However, sub-contractors must be technically competent and act in accordance with the same regulatory requirements of the Approved body which they are working on behalf of.

- 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.
- Approved bodies will need to have a fully documented contract with its sub-contractors. The approved body will need to keep a register of all sub-contracted activities and facilities used by the sub-contractors. Approved bodies will also be required to maintain documented procedures for the assessment and monitoring of sub-contractor.

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

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

HM Government

UK TRANSITION

MIINISTRY OF HOUSING, COMMUNITIES & LOCAL GOVERNMENT

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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.

Ministry of Housing, Communities & Local Government

Preparation for ending CE marking recognition in Great Britain

- Government will legislate to end recognition of the CE mark on construction products in Great Britain once Building Safety Bill receives Royal Assent.

- However, in accordance with the Northern Ireland protocol, CE marked products from Northern Ireland will continue to be allowed on the GB market even after we legislate to end recognition of the CE mark on other construction products.

- Businesses should continue to prepare for the end of recognition of the CE mark in GB and affix the UK marking using a UK-recognised approved body (UK AB).

- 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.

- The UK CPR and the Withdrawal Agreement both provide for the use of subcontractors. For the UK it is the approved body that takes on the legal responsibility of any test results. An approved body should also be designated against the relevant standard under which they are subcontracting some of the testing. There should also be a formal agreement between the two CABs.

Ministry of Housing, Communities & Local Government

Placing a product on the market in GB

- Products that are already on the market with a valid CE mark can circulate until they reach their end user in the UK or EU.

- Until the government stops recognising CE marking for construction products, in GB both the UK marking and the CE marking will be recognised. Manufacturers will either need to:

  - affix the UK marking using a UK-recognised 'approved body', or
  - affix the CE marking with UK(NI) indication using a UK-recognised 'approved body', or
  - affix the CE marking using an EU-recognised 'notified body'.

- Where no third-party conformity assessment is required (AVCP system 4) the manufacturer can choose whether to affix the UK marking or the CE marking, provided that the underlying requirements are met.

- Our understanding of the EU Commission's position is that type test reports issued by UK notified bodies are no longer valid for the EU market since 1 January 2021. Test type reports issued by UK Notified Bodies will continue to be valid for the GB market and will allow manufactures to affix the UKCA marking.

- Approved Bodies have stated that under normal circumstances test reports under AVCP 3 cannot be 'rebadged' unless the CAB has been involved in part testing of the product. This department is working on solutions with UKAS and UK Approved Bodies that minimises the retesting of products.

Labelling

Construction products regulation already allows operators to affix the appropriate mark on packaging or accompanying documentation where it is not possible or warranted to fix the mark directly onto the product, and we know many operators already take advantage of this

We expect operators to continue to make use of this ability to affix marks on packaging or documentation, including using sticky labels

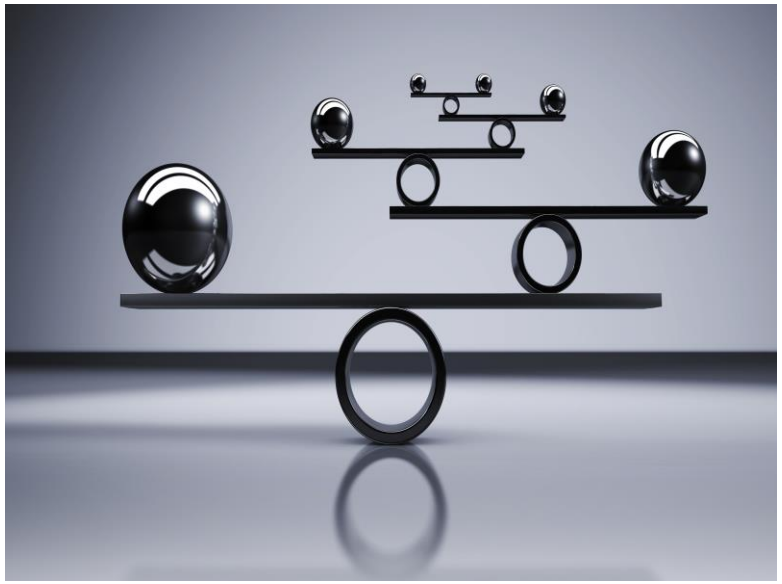
Ministry of Housing, Communities & Local Government

UK CPR testing capacity and capabilities

- As gaps in testing have been identified by the construction industry, MHCLG is currently looking into UK testing capabilities and capacity issues.
- We asked UK Approved Bodies in March to provide details on which standards they are accredited and capable to test against, and are now reviewing the returns.
- This exercise is helping the department to see where there are issues in relation to product testing and to consider options such asking approved bodies to increase their scope.

Ministry of Housing, Communities & Local Government

Becoming a UK Approved Body or a UK Technical Assessment Bodies (UK TAB) under the UK Construction Products Regulations)



In combination with slides 13 and 14 in this presentation

- The department is in the process of updating it guidance on designation, but the same requirements will still continue to apply. See link to previous guidance:https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/514151/Notified_Bodies_vers_2.pdf
- Once UKAS has completed it's assessment, if all requirements have been met, UKAS will issue a accreditation certificate and schedule to the applicant. **The applicant should then submit an application for appointment to MHCLG at: Construction.Products@communities.gov.uk**.
- It is the secretary of state for MHCLG that approves the appointment, of CPR ABs and TABs. A designation letter of appointment and identification number will be issued and the approved body's details will be passed onto BEIS colleagues to enter on the UK Market CAB (UKMCAB) database.
- UK Approved Bodies and UK TABs are required to participate in coordination group meetings. i.e in the UK GAB meetings or UK TAB meetings.
- Any changes to a UK NB status in relation to certifying good in NI are also required to be notified to the EC. MHCLG are working with BEIS colleagues on the notification process.

Ministry of Housing, Communities & Local Government

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

- 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.

- We have received approval from EOTA that the content of the adopted EADs published in the Official Journal of the European Union before 31 December 2020 can to be used as the basis for “UK Assessment Documents. However, this is on the basis that no objection is received from the EC.

Ministry of Housing, Communities & Local Government

Independent Review into the testing of construction products

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

- The independent review will undertake a critical assessment of the system for testing and certifying construction products. It will examine how the current system can be strengthened, to provide confidence that construction products are safe and perform as labelled and marketed.

- It is now lead by the following review panel of experts who have regulatory, technical and construction industry experience.
- Paul Morrell OBE (Chair of the review)
- Anneliese Day QC

The panel will report later this year with recommendations

HM Government

UK TRANSITION

DEPARTMENT FOR TRANSPORT

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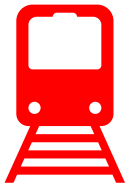
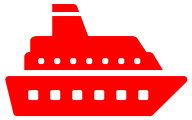
OVERVIEW OF PROCESS BY TRANSPORT SECTOR





- Scope
- Most relevant sectors
- Marine equipment
  - NEW: MGN 554 (M+F) Amendment 1 Marine Equipment – Procedure for becoming a UK Approved Body following the UK's exit from the EU
- Rail products
  - Guidance on interoperability
- Transportable pressure equipment
  - UKAS publication and VCA webpage
- Cableways
- Unmanned aircraft

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

UKAS
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UKCA Marking and the role of UKAS

Applying for UKAS Accreditation

Kevin Belson, UKAS Technical Manager

7th June 2021

Introducing UKAS:
The United Kingdom's National Accreditation Body

- UKAS is the United Kingdom's National Accreditation Body, appointed by Government through the Accreditation Regulations: 2009 (S.I. 2009/3155)
- Regulation (EC) No. 765/2008 has been retained within the UK, but amended via UK RAMS (S.I 2019/696)
- UKAS is a not-for-profit company, independent of Government but works under a Memorandum of Understanding with the Secretary of State for Business, Energy and Industrial Strategy.
- Accreditation in the UK is considered a public authority activity, and UKAS works in the public interest.
- UKAS is a full member of, and signatory to the mutual recognition agreements of:
  - European cooperation for Accreditation (EA)
  - International Accreditation Forum (IAF)
  - International Laboratory Accreditation Cooperation (ILAC)

The Road to UKAS Accreditation: The Application Process

- Visit the UKAS website for details: www.ukas.com
- Complete the application form relevant to your application. This will include details of what to submit, including your management system and proof of legal status,
  - Main Application Form (Information about your company)
  - AC Form specific to the applicable conformity assessment:
    - AC1 - Certification Body Accreditation Application Form
    - AC2 - Inspection Body Accreditation Application Form
    - AC4 - Testing Laboratory Accreditation Application Form
  - F044 - UKAS Agreement
  - F378 - Confidentiality Waiver for Approved Bodies
  - Application Fee - £1,500.00 + V.A.T.

In parallel, applicants are required to notify the Department for Business, Energy & Industrial Strategy of their application for UKAS accreditation for the purposes of becoming appointed as an Approved Body

The Road to UKAS Accreditation: The Assessment Process

- Once an application has been received, a UKAS Assessment Manager shall be appointed to take you through the application and assessment process.
- The Assessment Manager shall be responsible for appointing a technically competent assessment team
- Preassessment Visits – These are not mandatory, but bodies new to UKAS and accreditation are advised to have one as they can save time and money
- Desk Review – Prior to the assessment taking place a review of submitted documentation shall be undertaken to ensure the body is ready to proceed.
- Initial Assessment – The initial assessment shall be conducted by a Lead Assessor (normally the appointed Assessment Manager) supported by a team of qualified Technical Assessors / Experts.

The Road to UKAS Accreditation: The Assessment Process

- The initial assessment shall begin with an opening meeting – The Lead Assessor shall clarify the scope of the assessment and the criteria that they shall be assessing against
- The assessment team shall separate to examine the aspects of the application that have been assigned to them – Some of these may require assessment at clients sites, which may be conducted on different days to the Head Office visit
- The outcome of the assessment shall be presented to the applicant in a closing meeting at the end of the visit – This shall include a recommendation on accreditation
- Where areas are found not to meet the assessment criteria these shall be discussed and raised as nonconformities. Non conformities must be addressed before accreditation can be granted.
- Applicants are allowed up to 3 months to investigate the extent and cause of the nonconformity and to provide evidence to UKAS that corrective action has been effectively taken.
- Once all nonconformities have been addressed an independent UKAS decision-maker will make the formal decision to grant accreditation.

The Road to UKAS Accreditation: The Accreditation Cycle

- Accreditation is granted by UKAS for a period of four years
- During this period the body shall be periodically assessed to ensure that the requirements for accreditation continue to be met
- Surveillance Visits – These visits are conducted annually, looking at a sample of the policies, processes and procedures covered by the scope of accreditation. Surveillance 1 takes place 6 months after grant of accreditation.
- Reassessment Visit – After 3 surveillances, the fourth visit is a reassessment, designed to look at the full system in detail and determine that accreditation can be renewed for a further four-year cycle. There is no need to reapply.
- Extensions to Scope – At any time during an accreditation cycle a body can apply to extend its scope of accreditation to include new activities. A formal application is required

If UKAS becomes aware of any information that could have an impact in the performance of the organisation as an Approved Body then it shall inform the relevant Competent Authority

The Road to UKAS Accreditation: Available Resources

- Visit the UKAS website for information on the UKAS application process https://www.ukas.com/gain-accreditation/
- Visit .GOV.UK website for policy & guidance on becoming an Approved Body: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960859/Guide-for-UK-conformity-assessment-bodies-2021.pdf
- UKAS Publication GEN 5 - Accreditation for the Purposes of Appointment as an Approved Body under the UKCA System https://www.ukas.com/wp-content/uploads/schedule_uploads/759170/GEN-5.pdf
- UKAS support and training events and courses – Specific courses for UKCA to be confirmed

UKAS

Thank you

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Department for Business, Energy & Industrial Strategy

UKAS
United Kingdom Accreditation Service

Q&A SESSION