

## Risk Mitigation Strategy for Manufacturers in the event of No Deal Brexit and use of the UKCA Mark

The UKCA (UK Conformity Assessed) marking is the new UK product marking that will be used, subject to parliamentary approval, for certain goods being placed on the UK market if we leave the EU without a deal.

If the UK leaves the EU without a deal you will still, in the majority of cases, be able to use the CE marking to demonstrate compliance with the legal requirements and to sell products on the UK market after 29 March 2019 for a period of time.

Most, but not all, products which are currently covered by the CE marking will fall within scope of the new UKCA marking and the same essential requirements, standards and compliance routes will apply.

In most cases you will still be able to use the CE marking for products being placed on the UK market for a period of time - but in the event of a No deal Brexit the CE Certification would need to be by an EU 27 Notified Body.

However, if your products require third party assessment of conformity, and if this has been carried out by a UK conformity assessment body, you will have to apply the new UKCA marking after 29 March 2019 (where required by legislation). This will not be the case if the certificate of conformity has been transferred to an EU-recognised body (in which case the CE marking would apply).

If you currently rely solely on a self-declaration of conformity for the CE marking you will also be able to use the UKCA marking based on self-declaration, for those products within scope of the marking.

The UKCA marking will not be recognised on the EU market, and products currently requiring a CE marking will continue to require a CE marking for sale in the EU.

So in considering No Deal Brexit Risk mitigation strategies please consider :

- where your markets are -
  - o If you are a Manufacturer selling into the UK, then CE marked products will continued to be acceptable in the UK for a period of time and the current rules will apply - but the CE Certification will require to be done by an EU27 Notified Body - not a UK based one
  - o If you are a manufacturer selling into the UK and have had products Certified by a UK Notified Body - you can transfer certification to the new UKCA scheme in consultation with your Notified/Approved Body to be

- if you sell into the UK and the EU27 then eventually you will require both UKCA and CE marking - this will involve by necessity a UK Approved Body and an EU27 Body
  - o If this is the case you might consider as a first step transferring CE Marking to an EU 27 Notified Body - for example Kiwa is already executing this for some manufacturers of Gas Appliances at their request

**Please do not hesitate to [contact](#) Kiwa to see how we can offer practical support in your risk mitigation strategies and support your preparations for the future.**

### **The following Sections summarise current information on Using the UKCA marking**

#### **Placing the UKCA marking**

You should attach the UKCA marking to the product itself, but in some circumstances it may be placed on the packaging, in manuals or on other supporting literature. Rules covering the use of the UKCA markings vary depending on the specific legislation that applies to the product.

The following general rules apply:

- UKCA markings must only be placed on a product by you as the manufacturer or your authorised representative (where allowed for in the relevant legislation)
- when attaching the UKCA marking, you take full responsibility for your product's conformity with the requirements of the relevant legislation
- you must only use the UKCA marking to show product conformity with the relevant UK legislation
- you must not place any marking or sign that may misconstrue the meaning or form of the UKCA marking to third parties
- you 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

#### **Rules for using the UKCA image**

Depending on the specifics of the legislation that covers your product, you must make sure that:

- if you reduce or enlarge the size of your marking, the letters UKCA must be in proportion to the version set out below
- the UKCA marking is at least 5mm in height - unless a different minimum dimension is specified in the relevant legislation
- the UKCA marking is easily visible, legible and permanent (meaning indelible)

[Download the standard form of the UKCA marking \(JPG, 314KB\)](#)

### **Technical documentation**

You, or your authorised representative (where allowed for in the relevant legislation), must keep documentation to demonstrate that your product conforms with the statutory requirements. This information can be requested at any time by market surveillance or enforcement authorities to check that your product conforms with the statutory requirements. This can be up to a maximum of 10 years after the product is placed on the market.

The information you must keep will vary depending on the specific legislation relevant to your product. You must keep general records of:

- how the product is designed and manufactured
- how the product conforms to the relevant requirements
- the addresses of the manufacturer and any storage facilities

You should keep the information in the form of a technical file which can be supplied if requested by a market surveillance authority.

### **UK Declaration of Conformity**

The UK Declaration of Conformity is a document which must accompany most products lawfully bearing a UKCA marking. In the document you as the manufacturer, or your authorised representative (where allowed for in the relevant legislation), should:

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