EU Exit and UK conformity assessment bodies

Agenda

- Context
- EU and UK approaches to no deal
- Notified Bodies to Approved Bodies
- The CE and UKCA markings
- UK NANDO
- Placing on the market
- Mutual Recognition Agreements
- Further Q&A and discussion

Context

- Leaving the EU with a deal remains the Government's top priority.
- The Government is accelerating no deal preparations to ensure the country is prepared for every eventuality.
- Businesses and citizens should ensure they are similarly prepared.
- The Government has launched a public information campaign to ensure that UK citizens, businesses, EU citizens living in the UK and UK nationals living in the EU are well informed about how Brexit will affect them and the practical steps they will need to take to be ready.
- We are also running workshops and events (such as today's) on a range of issues giving greater clarity on arrangements that will come into force in the event of no deal.

EU's position on no deal

- UK will be treated as a third country for regulatory purposes from exit day.
- UK compliance activity against EU regulations will no longer be recognised.
- Individual items already on the EU-27 market (see Commission FAQs of February 2019) will be unaffected.
- A certificate "delivered" by an EU-recognised body will be needed at the time of products being placed on the market after exit day.

UK's no deal approach

- HMG objectives
  - Minimising disruption to business and consumers
  - Ensuring only safe and compliant products are placed on the UK market

- As far as possible regulations and standards will stay the same.

- This does not mean nothing will change.

- Product Safety and Metrology etc. (Amendment etc) (EU Exit) Regulations 2019.

Notified Bodies to UK Approved Bodies

- UK bodies would no longer be recognised in the UK as Notified Bodies.
- In almost all areas, UK Notified Bodies to be converted into Approved Bodies.
- Similar action to be taken for RTPOs, UIs and TABs.
- You do not need to take any action to be converted into a UK Approved Body.
- Certificates issued to before exit day will continue to be valid for the UK market (but for use of UKCA marking).
- Different approaches being considered for medical devices and Transportable Pressure Equipment.
- Framework – including role of accreditation and UKAS – remain the same.

The CE and UKCA markings

- UKCA marking replaces the CE marking in UK legislation.
- Products assessed against UK rules by a UK ‘Approved Body’ will need the UKCA marking.
- Products bearing the CE marking also recognised for a time-limited period where a certificate is held by an EU-recognised body.
- We will consult with businesses before making any changes to these arrangements.

UK NANDO

- A new UK database will replace the EU's NANDO database.
- This will be ready for exit day.
- **If you haven't already done so -** please email company contact details that you would like to be published on the new UK database goodsregulation@beis.gov.uk
- If you currently operate under one of the EU Mutual Recognition Agreements with third countries, please provide these details in the same email.

Placing on the EU market

- Placing on the market refers to each individual product, not a type of products, whether it was manufactured as an individual unit or in series.
- It is the first making available on the market i.e. the first supply of a good for distribution, consumption or use after the manufacturing stage.
- Does not require physical delivery of the product but does require manufacturing stage to have been completed.
- Proof can be given on the basis of any relevant document ordinarily used in business transactions (e.g. contract of sale concerning goods which have already been manufactured, invoice) – needed in case of checks upon importation or for market surveillance.
- More information can be found in the EU's Blue Guide and the European Commission's Preparedness Notices.

Mutual recognition agreements (DIT)

- MRAs signed:
  - Australia
  - New Zealand
  - United States
  - Israel (ACAA)*
  - Switzerland**

- Engagement ongoing;
  - Switzerland (remaining product chapters)
  - Japan

* MRA with Israel is being transitioned as part of wider Free Trade Agreements.
** MRA with Switzerland is being transitioned as part of wider Free Trade Agreements. 3 product chapters have been transitioned and discussions are ongoing to transition the remaining chapters.

Further Q&A and discussion

Further information:

Further to the January 2018 preparedness notice on industrial goods, the European Commission have now published a more detailed accompanying Q&A: https://ec.europa.eu/info/sites/info/files/qa_brexit_industrial_products_en.pdf

UK guidance on regulatory requirements for manufactured goods in a no deal scenario can be found on: https://www.gov.uk/government/publications/manufactured-goods-regulatory-requirements-after-brexit

Additional detailed information and guidance is available on www.gov.uk. If you have any specific questions on the guidance, please contact us via: goodsregulation@beis.gov.uk

Thank You