

Uploaded by SGS following circulation from BEIS stakeholder meeting on 04 and 06 March.

Key questions from business in event of no-deal EU departure.

Q – In event of no-deal will all products have to be marked for the UK market after the time-limited period once UKCA marking has become mandatory?

A: Yes, it is expected that at the end of the time-limited period the UKCA marking would be mandatory for products being placed on the UK market, where the relevant no deal legislation provides for its use (i.e. most products which are subject to CE Marking, with the exception of medical devices).

Q – What will be the status of Notified Bodies (NBs) based in the EU?

A: EU Notified Bodies will not have any formal legal status in the UK in the event of no deal. However, results of conformity assessment by EU Notified Bodies will continue to be recognised by the UK for a time-limited period

Certificates of conformity from EU Notified Bodies will not be valid for the purposes of affixing the UKCA marking.

Q - What will be the status of products marketed under self-declaration?

A: Self-declaration is not affected. Where CE marking is based on self-declaration by the manufacturer this will still be possible including when exporting to the EU. Self-declaration will also be possible for UKCA. This means that if you rely solely on a self-declaration of conformity for CE marking you will also be able to use the UKCA marking based on self-declaration, for those products within scope of the marking.

Further detail is at: <https://www.gov.uk/government/publications/prepare-to-use-the-ukca-mark-after-brexit/using-the-ukca-marking-if-the-uk-leaves-the-eu-without-a-deal>

Q – Where UK companies distribute goods sourced from a UK manufacturer will their status remain as distributor?

A: Yes, where a UK-based distributor is distributing products from the UK to UK customers, their legal status will remain that of a distributor rather than an importer.

Q: What about manufacturers of small components that may struggle to find room for both UK and CE marking?

A: We are aware that space is often limited on certain products.

During the time-limited period, so long as the CE marking is affixed in line with EU requirements the UKCA marking will not be required as well as the CE marking. We will engage with industry before making any decisions on when to change these arrangements and will consider carefully the impact on businesses.

Q How long is the time-limited period for conversion from CE marking expected to last for?

A: No decision has yet been taken on the time-limited period. Government will consult with industry and provide sufficient notice before ending the time limited period.

Q: What is the status of the replacement for the EU's NANDO database?

A: The UK database is under development and we expect it to be ready for exit day.

Q: Will the new system give Approved Body numbers?

A: Yes – Approved Body numbers will be assigned on the database. We will roll-over existing Notified Body numbers for UK Notified Bodies becoming Approved Bodies.

Q: How can it be demonstrated that a good has been “placed on the market”?

European Commission guidance states that placing on the market can usually be proved 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, documents concerning the shipping of goods to distribution or similar commercial documents). Proof may need to be given in case of checks upon importation into the EU or in case of checks by its market surveillance authorities.

Q: Could you provide me with more detail on the definition of “placed in the market”?

Section 4.2.2.2 of the European Union’s Blue Guide on the implementation of product safety rules provides detailed guidance on the definition of placing on the market: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0726\(02\)&from=BG](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0726(02)&from=BG)

The EU also published on 1 February updated guidance on placing UK goods on the EU market in the event of no deal which can be found at:

https://ec.europa.eu/info/sites/info/files/qa_brexit_industrial_products_en.pdf

This notice further updates and complements the EU’s guidance of 22 January on ‘Withdrawal of the UK and EU Rules in the Field of Industrial Products’ which is available at:

https://ec.europa.eu/info/sites/info/files/file_import/industrial_products_en_1.pdf

Q: How should non-EU global products be marked? UKCA or CE or both?

A: During the time limited period the CE mark would be sufficient for both the UK and EU, as long as the product meets all relevant EU requirements. At the end of this period a product would need UKCA marking if placed on the UK market, and CE marking if placed on the EU market. As long as products fully meet both EU and UK requirements, it would be possible for that product to be both UKCA and CE marked.

Q: If a UK manufacturer is required to use a conformity assessment body before placing a product on the EU market would this need to be an EU NB?

A: Yes – the Notified Body would need to be based in either the EU or a country with which the EU has a mutual recognition agreement covering the relevant sector.

Q: (After the time-limited period) Would some products need to be accompanied by both a UK and EU declaration of conformity?

- As with CE marked goods where the manufacture must draw up an EU declaration of conformity for products placed on the EU market, goods affixed with the UKCA marking will require a UK declaration of conformity to be placed on the UK market.
- A manufacturer may choose to affix both conformity markings on one product if they wish to place the product on the UK and EU markets (so long as the product meets the regulatory requirements of both markets), however, there is no legal requirement for both where the product is only to be sold on one market.

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- Whether an EU or UK declaration of conformity is needed will depend on the market where the product is being sold – if a good is being sold both in the UK market with a UKCA marking and in the EU market with a CE marking then the manufacturer will need to draw up two declarations of conformity.

Note: References to the EU should also be read as references to the EEA. This applies in both directions – i.e. conformity assessment by an UK Approved Body will not be recognised in EEA countries, but conformity assessment by EEA Notified Bodies will be recognised in the UK for the time-limited period.

More information can be found on Gov.UK via the “No Deal” sector specific [primer](#).