



HM Government  
UK TRANSITION



# Manufactured goods regulation

Placing goods on the market in GB and NI

**Speaker:**

**Department for Business, Energy and Industrial  
Strategy**

**Slides accurate as at 23<sup>rd</sup> February 2021**

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# PLACING GOODS ON THE MARKET

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## What does my business need to know?

Check which regulations apply to your product: this presentation will focus on new approach goods. Guidance for other products can be found on [gov.uk/transition](https://www.gov.uk/transition)



### New Approach

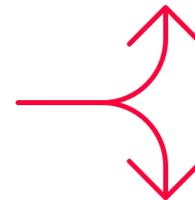
Goods with a CE marking may be placed on the GB market until 1 January 2022 e.g. Toys, PPE, machinery.

It is longer in some cases e.g. medical devices. Different rules apply to NI.



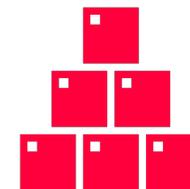
### Old Approach

Rules under standalone regulation models depend on specific goods, e.g. Chemicals, Vehicles, Aerospace.



### Non-Harmonised Goods

Mutual recognition no longer applies to non-harmonised goods, e.g. Furniture.



### Other Goods

There are now special rules for some goods including medical devices, cosmetics, construction products, civil explosives, and products requiring eco-design and energy labelling.

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## KEY ACTIONS FOR BUSINESSES

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Since 1 January 2021 the essential requirements and standards that can be used to demonstrate compliance will be the same. However, there may be other changes you need to make. Separate guidance for specific sectors can be found on GOV.UK.

Check:

- Which regulations apply to your product
- If you need a new product approval and begin the process as soon as possible
- If you need to appoint a new representative to act on your behalf
- Your supply chains / distributors and understand new legal duties
- What marking / labelling changes apply to your product

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# PLACING NEW APPROACH GOODS ON THE MARKET

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## What does my business need to know?

- If you had already placed CE marked goods on the EU or UK markets before 1 January 2021, you do not need to take any action for those goods. Placing on the market refers to individual goods, not types of goods.
- Businesses should take steps to comply with the new domestic regime.
- CE marked goods that meet EU and GB requirements can continue to be placed on the GB market in most cases until 1 January 2022.
- If you are placing manufactured goods on the EU market you must comply with EU requirements.

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# ENSURE NEW APPROACH GOODS ARE LABELLED CORRECTLY

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## What does my business need to know?



**CE Marking**

- If businesses self-declare or use an EU Notified Body, they can still use the CE marking until 1 January 2022 for goods placed on the GB market (more in some cases). In this case, businesses can use their EU Declaration of Conformity until 1 January 2022.
- The CE marking is still required for products placed on the EU market.
- You 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.
- You can self-declare for the UKCA marking, as you 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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DESIGNATED**

# TIMELINE FOR UKCA

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## What does my business need to know?



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\* 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.

# NEW APPROACH GOODS

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## What does my business need to know?



- **NI market:** UK bodies approving for the NI market will remain 'Notified Bodies'. These 'Notified Bodies' can be based anywhere in the UK. EU bodies will continue to be recognised as competent to certificate for the NI market.



- **GB market:** All UK-based 'Notified Bodies' have automatically become UK 'Approved Bodies' for the GB market as of 1 January 2021. You can find details of UK bodies on the UKMCAB database.
- **EU market:** As of 1 January 2021 mandatory conformity assessments by UK bodies are not recognised in the EU.



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UKMCAB DATABASE

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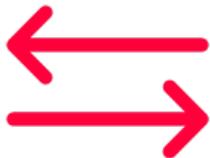
# STATUS OF UK CABS IN THE EU AND VICE-VERSA

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## What does my business need to know?



- From now, UK bodies are not recognised as able to assess goods for the EU market. From 1 January 2022 (in most cases) EU bodies will not be able to assess goods for the GB market.



- Arrange for separate certificates for the UK and EU markets to be ready well in advance of 1 January 2022. There may be a requirement for a level of re-assessment before the second certificate is issued, so you should act now.

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# CHECK LEGAL RESPONSIBILITIES FOR NEW APPROACH GOODS

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## What does my business need to know?

The responsibilities of 'economic operators' who deal with CE or UKCA marked goods changed on 1 January 2021. Economic operators include manufacturers, importers, distributors and authorised representatives.



UK-based distributors of EU goods may become 'importers' - and vice-versa. Compared to distributors, importers have additional duties to ensure products are compliant with product standards and must ensure their address is on a product.



Authorised Representatives must be based in GB or NI for the GB market. GB-based Authorised Representatives aren't recognised in the EU.

On 16 July 2021, Regulation (EU) 2019/1020 – Market Surveillance and Compliance of Products Regulation – comes into effect, which means you may need to appoint an EU representative if there is no other economic operator in place (when exporting to the EU and NI).

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# PLACING GOODS ON THE NI MARKET

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## What does my business need to know?

- 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. If you self-declare for CE, you can continue to do this when placing goods on the NI market.
- The CE marking will need to be accompanied by the UKNI marking if you use a UK Notified Body to assess against EU rules. 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.**
- You never apply the UKNI marking on its own. It always accompanies the relevant EU conformity marking.
- If you use an EU Notified Body, you will only need to use the CE marking.
- The UKCA marking alone will not be valid for the NI market.

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UK  
NI

# PLACING QUALIFYING NI GOODS ON THE GB MARKET

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## What does my business need to know?

- 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, 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 you can check whether your 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.

# IMPORTER RESPONSIBILITIES AND NI

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## Have my responsibilities changed?

There are now changes to the responsibilities of businesses importing goods within the UK.



**NI importers of GB goods** - You are an importer if you bring goods into NI from GB or another non-EU country and place them on the NI market. This is due to the rules that apply in NI under the Protocol. You need to make sure goods are labelled with your details, among other responsibilities. The measure on providing address details on e.g. an accompanying document, does not apply to NI importers of goods from GB, due to the Protocol.



**Placing goods on the GB market from outside the UK** – You are an importer if you are an NI business placing goods from outside the UK on the GB market. This includes where they have come from the EU via NI and means they will need to be labelled with your details, for example. NI businesses benefit from Unfettered Access, meaning qualifying goods can use the CE or CE UKNI marking, for instance, even if EU and GB rules diverge.

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## Placing goods on the market



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PLACING GOODS ON THE  
GB MARKET



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PLACING GOODS ON THE  
EU MARKET



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MARKET IN NORTHERN

## Product markings



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USING THE UKNI



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## Conformity assessment bodies and accreditation



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APPLYING TO BE A UK CONFORMITY  
ASSESSMENT BODY FOR PRODUCT SAFETY

## Moving goods into, out of, or through Northern Ireland



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BETWEEN NI AND GB

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# FIND OUT MORE ABOUT PLACING GOODS ON THE MARKET

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Qualifying Northern Ireland goods



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HOW TO CHECK IF YOU QUALIFY FOR UNFETTERED  
ACCESS

Product safety and metrology regulations



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SPECIFIC PRODUCT SAFETY AND METROLOGY

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For any queries on this guidance, please email us at: [goodsregulation@beis.gov.uk](mailto:goodsregulation@beis.gov.uk)



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