

Machinery and the new UK regulatory regime for goods



Department for
Business, Energy
& Industrial Strategy



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Contents



Aims of this session

- Summarise what you need to do to place manufactured goods on the market in Great Britain and Northern Ireland and the action you may need to take.
- Provide guidance and case studies on areas of particular relevance to goods under the Machinery Directive and outline further support available,



What we'll cover

1. Transition to the UCKA mark
2. How to place products on the GB market
3. Roles and obligations of economic operators under machinery legislation
4. Placing goods on the Northern Ireland market
5. Machinery focus
6. Case studies

What marking applies?



UK NI CE / CE

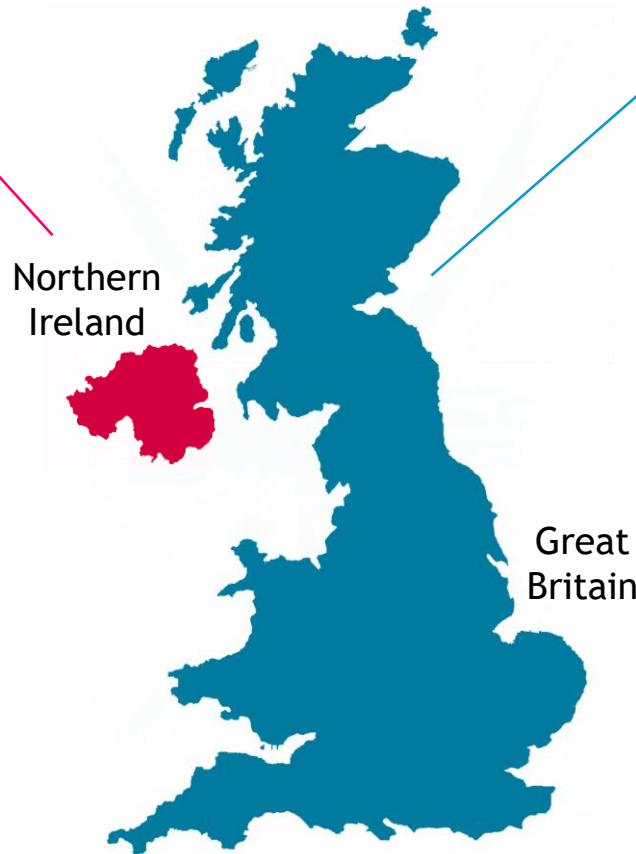
The United Kingdom of Great Britain and Northern Ireland

UK CA

For the Northern Ireland market EU rules continue to apply under the Northern Ireland protocol. These rules are in place now.

The CE marking continues to be used for self assessed goods and those goods which are conformity assessed by an EU notified body.

The UKNI plus CE mark is used for goods which are conformity assessed by a UK approved body. The UKNI mark is always accompanied by the CE marking.



The UKCA mark will be mandatory in Great Britain for goods placed on the market for the first time on and after 1 Jan 2023.

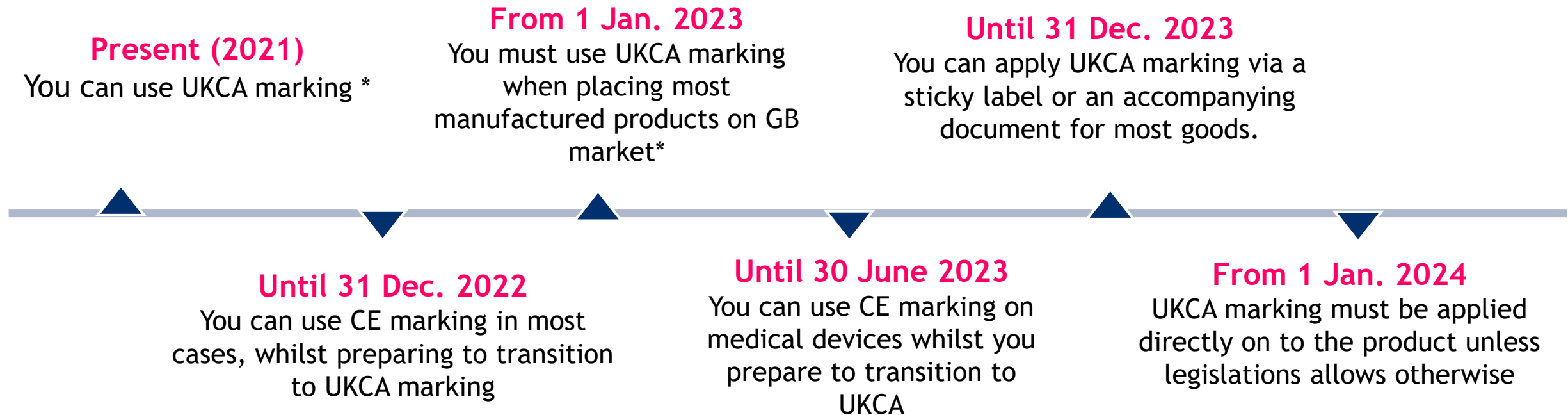
It applies to goods which used the CE and reverse epsilon markings.

It can be used now and until the 1 Jan 2023 the CE marking may be used.

Transition to the UKCA mark



Timeline to Implement UKCA Marking



Using the UKCA marking, placing your products on the GB market and ‘putting into service’



Using UKCA to place goods on the market in Great Britain



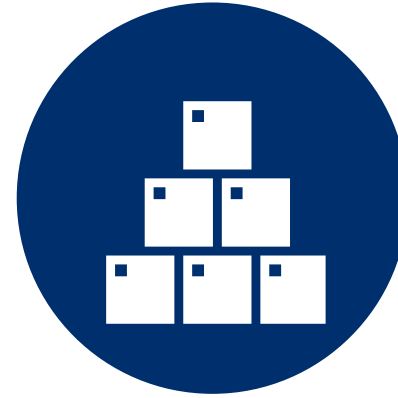
Check the appropriate route for conformity assessment

Use a UK conformity assessment body or self-assess and complete documentation



Draw up the appropriate technical documentation

You will need to have the right technical documentation to show your product is compliant



Apply the UKCA marking to your product

Ensure the UKCA marking is placed correctly to comply with product regulations



Place your product on the market

Check you understand the definition of placing products on the market

Getting your products conformity assessed



Check whether your product requires third party assessment or self-assessment. If you need third party conformity assessment, you should approach a UK approved conformity assessment body immediately.

Speak to a conformity assessment body to understand your options, especially if you sell products in multiple markets.



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.

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 certify for the NI market.



EU market: As of 1 January 2021, mandatory conformity assessments by UK bodies are no longer recognised in the EU.

Documentation



You must keep documentation to demonstrate that your product conforms with the regulatory requirements. This information can be requested at any time by market surveillance authorities to check that your product is compliant.

The information you must keep depends on the specific legislation which applies to your product and which 'economic operator' you are in the supply chain.



You must keep general records in the form of a technical file.



A **UK Declaration of Conformity** must be drawn up for most products lawfully bearing a UKCA marking.



It should declare the product conforms with the relevant statutory requirements



Has the name and address of the manufacturer (or authorised representative) alongside information about the product and the conformity assessment body (if relevant).

The information required is similar to the EU Declaration of Conformity and there is [more information on gov.uk](#).

You should arrange for separate certificates for the UK and EU markets to be ready well in advance of 1 January 2023.



What is ‘placing goods on the market’?

An individual manufactured good is placed on the market when it is **first made available** for distribution, consumption or use on the GB market.



Manufacturers and importers (where in legislation) are the only ‘economic operators’ to place goods on the market

- Any other operation, such as supply from distributor to an end-user is defined as ‘making available’.



Proof of placing on the market can be through documents usually used in business transactions.



Putting into service takes place the first time a good is used by the end user in GB for its intended purpose.

- UKCA marking requirements must be met first before the good can be placed on the market and put into service.

Placing on the market in Great Britain visualised



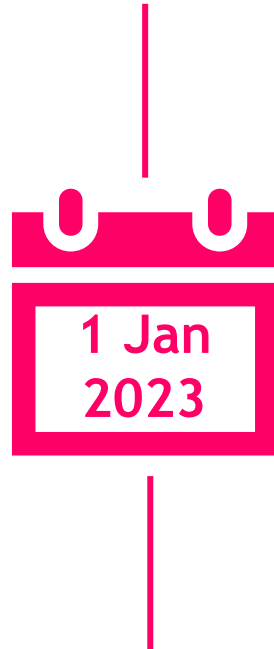
Any goods lawfully placed on either EU or UK markets before **31 December 2020**, can continue to circulate between both markets until they reach their end user.

The same product type from the same manufacturer placed on the market for the first time in Great Britain either side of the 1 Jan 2023 will therefore have different rules.



A printer placed on market in GB for the first time **before** 1 Jan 2023:

- CE or UKCA marking can be used.
- Any individual CE marked good placed on the market in GB before 1 Jan 2023 can continue to circulate to its end user after that date.



A printer placed on market in GB for the first time **after** 1 Jan 2023:

- The UKCA marking must be used.
- The UKCA marking can be attached via a label or accompanying documents until 1 Jan 2024.
- The CE marking is not valid for the GB market. Though it can be present alongside the UKCA for other markets.

What is 'putting into service'?

The supply of machinery safety regulations also refer to the term 'putting into service', this is different from the placing on the market definition as set out below:



'Putting into service' takes place the first time a good is used in GB by the end user for its intended purpose. If legislation uses both terms, i.e. 'placing on the market' and 'putting into service', then the UKCA marking requirements must be met before the first of these two happens.

The timeline below outlines where this sits in a goods journey to the end user.



Economic Operators: Roles and Responsibilities



Defining Economic Operators: Machinery

The Supply of Machinery (Safety) regulations refer to manufacturers of the machinery or the manufacturers' authorised representative as 'responsible person'. This diverges from other product legislation.

The UK Government is reviewing the current machinery legislation and intends to update it following the OPSS product safety review and the changes to EU Supply of Machinery regulations are completed.

Robust market enforcement is in place to ensure products placed on the market are consistent to UK standards and goods imported which are inconsistent will be removed from the market.



Manufacturer

Individual or company who manufactures a good and markets that good under its name or trademark



Authorised Representatives/ Responsible Persons

A person appointed by the manufacturer in writing to carry out certain tasks under legislation.

Responsibilities of Responsible Persons

The obligations of responsible persons (either the manufacturer or their authorised representative) under the supply of machinery legislation are that no responsible person shall place machinery on the GB market or put it into service unless it is safe. :



They must ensure that the essential health and safety requirements are satisfied in respect of it.



They must ensure that the technical file is compiled and made available on request.



They must provide information necessary to operate it safely.



They must ensure that the relevant conformity assessment procedure is carried out.



They must draw up a declaration of conformity and make sure that a copy of this accompanies the machinery.



They must affix the relevant conformity marking to the machinery.



For partly completed machinery, the responsible person must also ensure that assembly instructions are prepared, and a declaration of incorporation is drawn up and that both accompany the partly completed machinery until it is incorporated.

Placing goods on the NI market

You can use the CE mark or UKNI and CE mark



Placing goods on the NI market



1

The 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.

2

You can continue to use the CE marking if you either undertake self-assessment or use an EU notified body for third party conformity assessment.

3

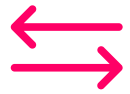
You can also use a UK Approved body for third party conformity assessment. Your product will still be tested against EU rules and you will need to use both the UKNI and CE markings.

Key points

- You can never apply the UKNI marking on its own.
- Goods assessed by a UK approved body with the 'CE UKNI' marking are not valid for the EU market.
- If you use an EU Notified Body, you only need the CE marking.
- The UKCA marking will not be valid for the NI market.



Placing qualifying NI goods on the GB market



The Government has guaranteed Unfettered Access for qualifying Northern Ireland goods to the rest of the UK market. Qualifying goods are those in free circulation in Northern Ireland.



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.



Guidance is also available on [gov.uk](https://www.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.

Economic Operators in NI: Machinery

Machinery placed on the market in NI is covered by the EU Regulation on Market Surveillance and Compliance of Products (2019/1020). Under this regulation the following economic operators are recognised.



Manufacturer

A natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark.



Importer

A natural or legal person established in the NI (or EU) who first places a product from a country outside the EU on the NI (or EU) market.



Authorised Representatives

A natural or legal person established in the NI (or EU) who is appointed by the manufacturer to act on their behalf to fulfil certain legal duties. A written mandate must be in place, and duties are limited to certain administrative tasks.



Fulfilment service providers

A natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved. This does not include postal, parcel or freight services

Machinery specific guidance



Components

- Manufacturers need to check whether components require individual marking before it is placed on the market in GB after 31 December 2022.
- If a GB importer brings components for assembly into a final good and marketed under their own name, the importer assumes the responsibilities of a manufacturer.
- For machinery, only completed machinery will need to be UKCA marked when placed on the market or put to service.

Example

When placing a product on the GB market **after** 31 Dec. 2022:



A radio fitted in a vehicle would require the UKCA marking will need to bear the UKCA marking if the vehicle (and therefore the radio) is placed on the GB market after 31 December 2022.

Prototypes and testing goods



Prototypes not yet made available for distribution, consumption or use on the GB market do not require UKCA marking.



The prototype must be **ONLY** displayed or operated under controlled conditions

- Goods undergoing testing do not require UKCA marking.
- Fully manufactured goods need to meet the UK requirements as they apply in GB.

Example



A prototype mobile phone supplied to a group of GB consumers for testing would require UKCA marking



A prototype mobile phone that for demonstration only would not require UKCA marking



Leasing and hiring



The loan, hire, or leasing of a good is a transfer of possession or property rights concerning the good after the stage of manufacture is complete.

Goods which are loaned, hired, or leased will require UKCA marking if they are being placed on the GB market for the first time after 31 Dec. 2022.

→ The repeated leasing and hiring of a good is defined as further ‘making available’ and therefore does not require re-marking

Example



A piece of equipment originating from a country outside the UK, that is hired by a GB customer before 31 December 2022, can be shipped back to the supplier and rehired later without the equipment needing to bear the UKCA marking

Specific marking requirements

You should check product legislation to understand particular marking requirements for your goods.

In most cases the UKCA marking (and the number of the conformity assessment body in cases where third party assessment is mandatory) has to be on the product itself.

Some product legislation allows for it to be on the packaging or accompanying documentation (such as, for example, in cases where it is not practical to put it on the product directly). The circumstances in which this is allowed for UKCA marking mirrors the rules for CE marking.



Any exceptions to marking are detailed in product legislation.



These cases mirror exceptions in CE marking guidelines.



The UKCA marking is only used for goods placed the GB market, there are separate rules for Northern Ireland.

Case studies



Case study: Machinery on the GB market



A supplier buys machinery from manufactures and distributors in the EU and Asian markets, the machinery is already tested for all required regulations to comply with the CE marking.

They want to understand what happens to unsold stock which has been CE marked and is warehoused, in particular whether that stock can be sold in four years from now.

UKCA marking

- Goods which previously used the CE marking that placed on the Great British market after 1 January 2023 will require the UKCA marking.

UKCA label easement

- The UKCA mark can be attached via a label or on an accompanying document until 1 January 2024, after which it must be affixed to the product.

Existing and unsold stock

- Goods placed on the GB market before 31 Dec 2022 can continue to circulate on the market until they reach their end user.
- Businesses will need to demonstrate proof of placing on the market to place continuing.



Case study: understanding placing goods on the market in Great Britain



We import entertainment technology from outside the UK onto GB market in Great Britain. These goods are often CE marked already. We understand that the UK Government definition of placing on the market states:

“This refers to each individual good, not a type of good.”

Can you clarify that this means each individual product rather than each type of product we import?

How does this affect the use of the CE marking already on those goods, can they continue to be sold?

Placing on the market

An individual manufactured good is placed on the market when it is **first made available** for distribution, consumption or use on the GB market.

Adaptation period in place

Any individual CE marked good placed on the market in GB before 1 Jan 2023 can continue to circulate to its end user after that date.

This means that

The same product type from the same manufacturer placed on the market for the first time in Great Britain either side of the 1 Jan 2023 will therefore have different rules.



Next steps



Finding and understanding regulations

To understand the specific requirements for your goods you will need to check industry guidance.



Guidance is available on GOV.UK in an A-Z of industry guidance from the Office for Product Safety and Standards.



GOV.UK has sets of regulations for each product type for the GB market and for NI market.



Product regulations note whether you can self-declare for your good, how to place the marking and any specific requirements which are particular for your product



Key messages: Take action now



- 1 Check if your product needs third party testing or if you can self-declare.
- 2 If you require third party assessment, contact a conformity assessment body as soon as possible to ensure your product can be tested in time for 1 January 2023. Use the UKMCAB data base to find one.
- 3 If you self assess, start using the UKCA marking as soon as possible.
- 4 Ensure economic operators and suppliers in your supply chain understand their responsibilities and the new requirements.



UK
CA

More help

 www.gov.uk/ukca

 goodsregulation@beis.gov.uk



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Pre-submitted questions

1. Is UKCA marking also required for 'putting in to use' of machinery even if it's not being placed on the market?
2. Most of the UK Legislation refers to "Placing on the Market" and "Putting into Service" as equivalent when it comes to requiring CE/UKCA assessment and marking. The Low Voltage Electrical Equipment (Safety) Regulations does not appear to specify that condition and does not mention putting into service. Is this a wording oversight or an intentional difference and if so why as there is a lot of confusion/misunderstanding regarding the requirement to CE/UKCA mark equipment produced "in house" and not put onto the market.
3. Is the UK going to update the Supply of Machinery (Safety) Regulations in the near to medium future and if so are they going to stay aligned with the EU's new Machinery Regulations?

Pre-submitted questions



4. In The Supply of Machinery (Safety) Regulations, the definitions of economic operator (Manufacturer, Importer, Distributor, Authorised Rep) are not as developed as other product regulations. Do the generic UK Gov guidance on importer requirements also apply to machinery? In particular those of Importers and the requirements to provide the technical information if ever asked?
5. The Supply of Machinery (Safety) Regulations apply responsibilities to those 'putting machinery into use'. If an end user buys machinery from abroad and don't re-sell, do they also have the 'Importer duties' stated in the Gov advice?
6. For machinery bought from abroad, are the 'Importer' requirements, only a duty on the 'Importer of Record'? If a Consignee ensures that the 'Importer of Record' is the foreign Supplier, and the Consignee does not resell the product (e.g. uses only for their own use), can they ignore any requirements for UKCA marking and other Importer duties?

Pre-submitted questions



7. If you bring in product from outside the UK, there are 3 parties involved, The Consignee (recipient), The Supplier and The Importer of Record. If the Importer of Record is the Supplier, then do all GB Importer duties fall on the foreign Supplier? If the Consignee does not resell the individual products, because they assemble them into a larger machine (which they then UKCA mark), then does the Consignee have any responsibility for UKCA marking of these smaller parts as they are not actually putting them 'on the market'? Basically can they ignore the UKCA marking requirements of the smaller importer parts as the responsibility resides with the foreign Importer?

8. If prosecutions are ever undertaken, will they be under the relevant Product Safety/Environmental regulations (e.g. for machinery)? If so, since CE marked equipment supplied via Northern Ireland must be considered by the Government as 'safe/environmentally sound', then will it be viable to prosecute using such legislation when their only purpose is to ensure safety?