

# Machine Safety

Introduction of the UKCA Mark for the UK Market from 1<sup>st</sup> January 2021

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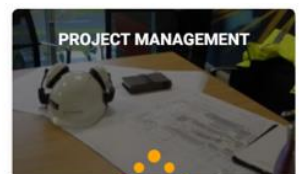
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## UKCA/CE Mark from 1<sup>st</sup> January 2021

### Geopolitical Glossary

<b>GB</b>	<b>Great Britain</b>	England, Scotland, Wales
<b>UK</b>	<b>United Kingdom</b>	England, Scotland, Wales, Northern Ireland
<b>EU</b>	<b>European Union</b>	Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden
<b>EEA</b>	<b>European Economic Area</b>	The 27 EU member states plus Iceland, Liechtenstein, Norway are all part of the EU single market.

*Switzerland is not an EU or EEA member but is part of the single market.*

*The UK ceased to be a Contracting Party to the EEA Agreement after its withdrawal from the EU on 31 January 2020. Now the transition period has ended, the UK will be a third country in terms of the EEA Agreement.*

#### **Membership information correct as at February 2021**

### 1. General

The UKCA (UK Conformity Assessed) marking is a new UK product marking that will be used for goods being placed on the market in Great Britain (England, Wales and Scotland) now the UK has left the single market and the European Union. It covers most goods which previously required CE marking.

#### **Selling goods in Great Britain**

UKCA marking will apply to most goods currently subject to CE marking. It will also apply to aerosol products.

**From 1 January 2021, the technical requirements ('essential requirements') you must meet – and the conformity assessment processes and standards that can be used to demonstrate conformity – will be largely the same as they are now.**

*The UKCA mark can be used from 1 January 2021. However, to allow businesses time to adjust to the new requirements, you will still be able to use the CE mark until 1 January 2022 in most cases.*

In some cases, you will need to apply the new UKCA mark to goods being sold in Great Britain immediately from 1 January 2021. You are encouraged to be ready to use the UKCA mark as soon as possible before this date.

If you have already placed your goods on the UK market (or in an EU country) before 1 January 2021, you do not need to do anything new. These individual goods can continue to circulate in either market until they reach their end user and do not need to comply with the changes that take effect from 1 January 2021.

Products placed on the market in Northern Ireland must be CE marked, regardless of their origin. Products placed on the market in Great Britain will need to be UKCA marked as discussed above, regardless of their origin with one exception: businesses in Northern Ireland will be in the unique position of being able to ship products certified to EU (CE mark) or UK (UKCA mark) rules into Great Britain.

### **Selling goods in the EU**

The UKCA mark will not be recognised on the EU market. Products currently requiring a CE mark will still need a CE mark for sale in the EU from 1 January 2021.

### **Future use of markings in the UK**

From 1 January 2022, the CE mark will not be recognised in Great Britain for areas covered by this guidance and the UKCA mark. However, a product bearing the CE mark would still be valid for sale in the UK so long as it was also UKCA marked and complied with the relevant UK rules. Separate rules apply to medical devices.

### **What are the differences between UKCA and CE Marking**

Many of the differences between the two systems are administrative in nature and reflect that UKCA only applies in the UK and only requires information in English. This simplifies some aspects, such as where the technical information must be kept and which language applies. Other differences relate to the separation of UK conformity assessment bodies from the EU Notified Body System.

### **What do the changes mean for Notified Body certificates?**

UK Notified Body accreditations will be withdrawn, and their CE marking will no longer be valid, for products placed on the EU market after 31st December 2020. Many UK Notified Bodies are consequently transferring certificates to EU-established Notified Bodies and this usually requires product markings and Declarations of Conformity to be changed. UK bodies that were Notified Bodies immediately before 31st December 2020 will automatically become UK Approved Bodies, and their certificates will remain valid only for products placed on the market in the UK, and for products CE marked and placed on the EU market before that date.

### **What needs immediate action?**

Aspects that have an immediate effect on manufacturers and importers are:

- From 1st January 2021, importers of products marketed in the UK must be established in the UK. Their product labelling obligations can be met by information on documents accompanying the product for a period of 18 months.

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- Authorised Representatives already established in the EEA (European Economic Area) will continue to be recognised in the UK, but those established after 31st December 2020 must be in the UK.
  - EU-based organisations that bring in UK products for marketing in the EU will become an “importer” with increased responsibility for compliance. Currently, these entities are classed as “distributors” with responsibility for checking declarations, instructions and markings. As importers they must also check that products have an adequate technical file, which is a significant extra obligation, and indicate their name and address on the product.

## 2. How to use the UKCA marking

### Placing the UKCA marking

In most cases, you must apply the UKCA marking to the product itself or to the packaging. In some cases, it may be placed on the manuals or on other supporting literature. This will vary depending on the specific regulations that apply 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

You must make sure that:

- if you reduce or enlarge the size of your marking, the letters forming the UKCA marking 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 (from 1 January 2023 it must be permanently attached)



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### **Product areas covered by the UKCA marking**

- Toy safety
- Recreational craft and personal watercraft
- Simple pressure vessels
- Electromagnetic compatibility
- Non-automatic weighing instruments
- Measuring instruments
- Lifts
- ATEX (explosive atmospheres)
- Radio equipment
- Pressure equipment
- Personal protective equipment
- Gas appliances
- Machinery
- Outdoor noise
- Eco-design
- Aerosols
- Low voltage electrical equipment
- Restriction of hazardous substances

Products covered by the UKCA marking but that have some special rules:

- Medical devices
- Rail interoperability
- Construction products
- Civil explosives

### 3. Technical documentation

#### **Record keeping**

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

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 has been shown to conform 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 be drawn up for most products lawfully bearing a UKCA mark (e.g. EC Declaration of Conformity for CE 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
- 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)

The UK Declaration of Conformity should be available to market surveillance authorities on request.

The information required on the Declaration of Conformity will be largely the same as what is currently required on an EU Declaration of Conformity. This can vary depending on the application legislation but generally should include:

- your name and full business address or that of your authorised representative
- the product's serial number, model or type identification
- a statement, stating you take full responsibility for the product's compliance
- the details of the approved body which carried out the conformity assessment procedure (if applicable)
- the relevant legislation with which the product complies
- your name and signature
- the date the declaration was issued
- supplementary information (if applicable)



You will need to list:

- relevant UK rather than EU legislation
- UK designated standards rather than standards cited in the Official Journal of the European Union

<b>EU legislation</b>	<b>UK legislation</b>
Toy Safety - Directive 2009/48/EC	Toys (Safety) Regulations 2011
Recreational craft and personal watercraft - Directive 2013/53/EU	Recreational Craft Regulations 2017
Simple Pressure Vessels - Directive 2014/29/EU	Simple Pressure Vessels (Safety) Regulations 2016
Electromagnetic Compatibility - Directive 2014/30/EU	Electromagnetic Compatibility Regulations 2016
Low Voltage Directive 2014/35	Electrical Equipment (Safety) Regulations 2016
Non-automatic Weighing Instruments - Directive 2014/31/EU	Non-automatic Weighing Instruments Regulations 2016
Measuring Instruments - Directive 2014/32/EU	Measuring Instruments Regulations 2016
Lifts - Directive 2014/33/EU	Lifts Regulations 2016
ATEX - Directive 2014/34/EU	Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres Regulations 2016
Radio equipment - Directive 2014/53/EU	Radio Equipment Regulations 2017
Pressure equipment - Directive 2014/68/EU	Pressure Equipment (Safety) Regulations 2016
Personal protective equipment - Regulation (EU) 2016/425	Personal Protective Equipment Regulations (Regulation (EU) 2016/425 as brought into UK law and amended)
Gas appliances - Regulation (EU) 2016/426	Gas Appliances (Product Safety and Metrology etc (Amendment etc) (EU Exit) Regulations 2019)
Machinery Directive 2006/42/EC	Supply of Machinery (Safety) Regulations 2008
Outdoor Noise Directive 2000/14/EC	Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001
Directive 92/42/EEC hot-water boilers AND Ecodesign Directive 2009/125/EC	The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019
Restriction of the Use of certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) - Directive 2002/95/EC	The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012

The British Standards Institution (BSI) emphatically maintains its commitment to the EN and international standards systems and ‘harmonised standards’ remain best practice for both CE and UKCA marking. The UK regulations term them ‘designated standards’ and to start with harmonised and designated standards lists will be the same. BSI is unlikely to withdraw EN standards but the UK designated list is likely to differ slightly in time as UK authorities such as HSE will bring their influence to bear on standards they do not like.

Sources: [www.gov.uk](http://www.gov.uk), [www.gov.uk/eu-eea](http://www.gov.uk/eu-eea), [www.conformance.co.uk/ukca-mark-information-advice](http://www.conformance.co.uk/ukca-mark-information-advice)