



Department for
Business, Energy
& Industrial Strategy

Business Readiness Forum: New Approach goods and the UK marking

Thursday 7 February

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Business, Energy
& Industrial Strategy

Purpose of this document

Delivering the deal negotiated with the EU is the government's top priority. However, a responsible government must prepare for every eventuality, including a no deal scenario.

These materials were presented at the EU Exit Business Readiness Forum on February 7 2019 to provide information to trade and representative bodies, and other business intermediaries in order that their members and businesses in their networks may prepare.

All the information in this document is based on publicly available information as published in the Technical Notices on www.gov.uk

For further information please visit euexit.campaign.gov.uk

Harmonised goods - Old Approach vs New Approach



‘Old Approach’: goods such as cars, medicines, chemicals and aerospace, with standalone models of regulation



‘New Approach’: a common toolkit of regulatory measures covering goods such as toys and machinery



‘Non-harmonised goods’: subject to national rather than EU-wide product rules

The European Commission's position



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 will be unaffected



EU only plans to avoid disruption in a very small number of areas (some aerospace products)

The UK's position



UK will adopt a time-limited continuity approach to minimise disruption



Almost all products meeting EU regulations can still circulate in the UK



At the same time, equivalent UK regulatory frameworks are being established



Some goods with EU product approvals will be subject to light-touch additional requirements

How does the 'New Approach' work now?



High-level requirements in legislation and use of harmonised standards to achieve compliance



Conformity with requirements of 'New Approach' legislation shown by use of the CE marking



In most cases manufacturers take sole legal responsibility for compliance and can self-declare



In other cases manufacturers need to use a third party assessment body (a 'notified body')

Selling into the UK: UK marking and approved bodies



New approach goods meeting EU regulations can still be sold in the UK with a CE marking



UK will directly recognise conformity assessment carried out by EU notified bodies



Products assessed against UK rules by a UK 'approved body' will need the UKCA marking



We will consult with businesses before making any changes to these arrangements

Selling into the EU: CE marking and notified bodies



Conformity assessments by UK notified bodies will no longer be recognised in the EU



Goods assessed by a UK body cannot be sold in the EU without reassessment by an EU body



As an alternative, manufacturers can transfer their files to an EU-recognised body pre-exit



CE marking needs to be used for goods sold into the EU. Self-declaration unaffected

Other issues to consider



UK-based ‘authorised representatives’ will not be recognised in the EU



An EU-based distributor of UK goods may become an ‘importer’ - and vice-versa



Compared to a distributor, importers have a stronger duty to ensure products are compliant



The importer’s address also often has to be put on the product or its packaging