

UK Government Legislation on Product Marking

The government has introduced legislation to indefinitely maintain the recognition of existing EU requirements, including the CE marking (Conformité Européene, or European Conformity marking), across various product regulations. **This legislation grants businesses the flexibility to use either the UKCA (UK Conformity Assessed) or CE marking for selling products in Great Britain (GB).** The draft legislation is available in The Product Safety and Metrology etc. (Amendment) Regulations 2024.

The draft legislation is detailed in The Product Safety and Metrology etc. (Amendment) Regulations 2024.

The new fast-track provision will enable manufacturers to place products on the GB market if they meet EU essential requirements and have been conformity assessed by an EU-recognized body. To benefit, manufacturers must affix the UKCA marking and prepare a UK declaration of conformity that lists compliance with the relevant EU legislation. **This provision allows for a combination of UKCA and CE conformity assessment procedures for products falling under multiple regulations.**

This approach aims to provide businesses with longer-term certainty and flexibility, especially if the UK mandates UKCA for certain regulations in the future.

Recognition of current EU requirements, including the CE and reversed epsilon markings, will apply to 21 product regulations. This includes 18 regulations overseen by the Department for Business and Trade (DBT), initially announced on August 1, 2023.

Additionally, following industry feedback, recognition will extend to three more regulations covering ecodesign, civil explosives, and, in most cases, restrictions on hazardous substances in electrical equipment.

This announcement does not cover regulations for **medical devices, construction products, marine equipment, rail products, cableways, transportable pressure equipment, and unmanned aircraft systems, which have specific arrangements.**

Based on business feedback, the government plans to introduce another statutory instrument later in 2024, providing permanent labelling flexibility. This includes allowing the UKCA marking to be placed on a sticky label or accompanying document and giving importers the option to provide their details on the product, its packaging, an accompanying document, or an adhesive label. Digital labelling will also become an option, enabling businesses to apply the UKCA marking, manufacturer details, and importer details digitally.

Further details on these measures will be announced in due course.

The DBT regulations affected by this announcement include:

- Equipment for Use in Potentially Explosive Atmospheres Regulations 2016/1107
- Electromagnetic Compatibility Regulations 2016/1091
- Lifts Regulations 2016/1093
- Electrical Equipment (Safety) Regulations 2016/1101
- Pressure Equipment (Safety) Regulations 2016/1105
- Pyrotechnic Articles (Safety) Regulations 2015/1553
- Recreational Craft Regulations 2017/737
- Radio Equipment Regulations 2017/1206
- Simple Pressure Vessels (Safety) Regulations 2016/1092
- Toys (Safety) Regulations 2011/1881
- Aerosol Dispensers Regulations 2009/2824

- Gas Appliances (EU Regulation) 2016/426
- Supply of Machinery (Safety) Regulations 2008/1597
- Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001/1701
- Personal Protective Equipment (EU Regulation) 2016/425
- Measuring Instruments Regulations 2016/1153
- Non-automatic Weighing Instruments Regulations 2016/1152
- Measuring Container Bottles (European Economic Community (EEC) Requirements) Regulations 1977

For the Department for Environment, Food and Rural Affairs (Defra):

- Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 ('The RoHS Regulations')

For the Department for Energy Security and Net Zero (DESNZ):

- Ecodesign for Energy-Related Products Regulations 2010

For the Department for Work and Pensions (DWP) (Health and Safety Executive (HSE)):

- Explosives Regulations 2014

Product areas covered by the UKCA marking include:

- Toys
- Pyrotechnics
- Recreational craft and personal watercraft
- Simple pressure vessels
- Electromagnetic compatibility
- Non-automatic weighing instruments
- Measuring instruments
- Measuring container bottles
- Lifts
- Equipment for potentially explosive atmospheres (UKEX)
- Radio equipment
- Pressure equipment

- Personal protective equipment (PPE)
- Gas appliances
- Machinery
- Equipment for use outdoors
- Aerosol dispensers
- Low voltage electrical equipment

Please refer to sector-specific legislation for more information. Regulations apply specifically to medical devices, construction products, marine equipment, rail products, cableways, transportable pressure equipment, unmanned aircraft systems, hazardous substances (RoHS), ecodesign, and civil explosives.

The UKCA marking is used for products sold in Great Britain (England, Scotland, and Wales) since January 1, 2021. It applies to most products that can also use the CE marking, as well as to aerosol dispensers and measuring container bottles using the reversed epsilon marking. Compliance with the UKCA marking requirements depends on product-specific legislation. While using designated standards provides a statutory presumption of conformity, other technical solutions may also be acceptable if adequately documented.

Different rules apply in **Northern Ireland, where products must meet EU rules and bear a CE marking**. The UKCA marking is not recognized in the EU market; products need a CE marking to demonstrate conformity with EU rules.

For a comprehensive overview of accepted markings for goods sold in Great Britain or the EU, consult C-PRAV today.

Reference:

<https://www.gov.uk/guidance/using-the-ukca-marking>