



Department for  
Business, Energy  
& Industrial Strategy

# No Deal EU Businesses Workshop: New Approach goods and the UK marking

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# Agenda

- Context
- Old Approach and New Approach
- UK and EU approaches to no deal
- Selling in to the UK and EU
- Placing on the market
- Declaration of conformity
- Authorised representatives
- Importing and distributing
- Further Q&A and discussion

# Context

- Leaving the EU with a deal remains the UK Government's top priority.
- The only way to rule out no deal is to agree a deal - the PM has been consistent on this. An Article 50 extension would not rule out no deal.
- The UK Government is continuing with no deal preparations to ensure the country is prepared for every eventuality. It is the responsible thing to do.
- Businesses should ensure they are similarly prepared and visit [gov.uk/euexit](https://www.gov.uk/euexit) for guidance.

# 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 UK's position



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



Most goods 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.

# The European Commission's position



UK will be treated as a third country for regulatory purposes from exit day.



Most 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 small number of areas (e.g. some aerospace products).

# 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.



A new UK database will replace the EU's NANDO database.



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 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 EU. Self-declaration unaffected.

Can you put both markings on a product?

CE



# Definition of products placed on the market



Placing on the market refers to each individual product, not a type of products.



Placing refers to the first supply of a good for distribution, consumption or use after the manufacturing stage is completed.



European Commission: placing does not require the physical delivery of a product.



Proof can be a contract of sale, invoice, distribution or shipping documents.

# Declarations of conformity



For new approach goods an EU declaration of conformity should be drawn up and available.



For CE marked products an EU declaration will still be needed - even for UK market.



For UKCA marked products - a UK declaration of conformity will be needed.

# Authorised Representatives



Businesses can appoint Authorised Representatives to carry out tasks on their behalf.



Existing Authorised Representatives in an EU country will continue to be recognised in the UK.



UK-based Authorised Representatives will no longer be recognised in EU in the event of no deal.



New Authorised Representatives will need to be based in the UK to be recognised under UK law.

# Importing and Distributing



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.



18 month transitional period during which importers can put information identifying them on an accompanying document.

# Further advice and guidance on action to take

## Source of material in this presentation

Trading goods regulated under the 'New Approach' if there's no Brexit deal - Available [here](#)

Using the UKCA marking - Available [here](#)

## Additional information beyond this presentation

There may be other issues not addressed in this material.

In some areas, policy content is still being developed.

Please visit **gov.uk/euexit** for the latest information.

# Questions