UKCA MARKING, CE MARKING AND THE CPR

GAI SPECIFIER'S GUIDE

The specifier's guide to understanding the new types of product marking introduced in the UK following its departure from the EU.

Guild of Architectural Ironmongers

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AUGUST 2021

UKCA MARKING, CE MARKING AND THE CPR

GAI SPECIFIER'S GUIDE

The specifier's guide to UKCA marking, CE marking and the CPR explains the new types of product marking introduced in the UK following its departure from the EU. It is particularly relevant to the ironmongery and door automation industries.

If you would like to receive a presentation of the CPD, this is available through GAI member companies. Please visit the GAI website (gai.org.uk) for more details.

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1. INTRODUCTION

BREXIT

As we are all aware the United Kingdom of Great Britain and Northern Ireland has now left the European Union. This followed a referendum in June 2016 when the UK voted to leave the EU.

There had been an agreed transition period after Brexit when the then-existing rules on trade, travel and business for the UK and EU continued to apply. This came to an end on 31st December 2020.

On 24th December 2020, after a prolonged period of negotiations a trading agreement was reached between the UK and the EU. This agreement is entitled the UK-EU Trade and Co-operation Agreement which contains new rules for living, working and trading together, and entered into force on 31st December 2020.

The new deal secures tariff-free access between EU and UK markets, but does not change the compliance process, so product marking and conformity to the UK legislations remains mandatory for placing goods on the market in UK, although this will change from traditional CE marking.

As of 1 January 2021, the UK (except for Northern Ireland) left the EU Single Market and Customs Union. As a result, it no longer benefits from the principle of free movement of goods.

NEW WAYS OF WORKING

EU and the UK are now two separate regulatory and legal spaces. This means that all products exported from the EU to the UK will have to comply with UK technical regulations and will be subject to any applicable regulatory compliance checks and controls. All products imported from the UK to the EU will also have to comply.

Nonetheless, the UK-EU Trade and Cooperation Agreement contains a number of provisions aimed at preventing and addressing unnecessary technical barriers and requirements, and simplifying procedures used to demonstrate compliance with them.

- All existing European Harmonised Standards (hENs) have now been replaced in Great Britain (not Northern Ireland) by UK Designated Standards. – these are designated by Secretary of State and published on the www.gov.uk website.
- The terminology of "harmonised" and "designated" may be different, but they are still based on identical European Standards.
- CE Marking will be replaced by new UKCA Marking in Great Britain.
- CE Marking will be acceptable in Northern Ireland as will new UKNI marking.
- UK "Notified Bodies" are now UK "Approved Bodies" under UKAS registry.
- The EU Construction Products Regulation no longer applies in Great Britain, this has been replaced by the UK version of the CPR.

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2. UKCA MARKING

Rules of UKCA logo usage

- The UKCA marking is at least 5mm in height for the whole logo, not individual letters – unless a different minimum dimension is specified in the relevant legislation.
- The UKCA marking must be easily visible and legible.
- From 1 January 2023 it must be permanently attached.
- Note that UKCA marking is not just the logo.

DEFINITION

As CE marking will cease to be used in Great Britain in future, the UK has developed a new National Compliance Mark:

- The UKCA (UK Conformity Assessed) marking is a new UK product marking that is used for goods being placed on the market in Great Britain (England, Wales and Scotland)
- The UKCA marking cannot be used for goods placed on the Northern Ireland market, which requires the CE marking or UKNI marking
- The UKCA marking will not be recognised on the EU market
- Products being placed on the UK Market with UKCA marking will need to be supported by a UK Declaration of Conformity
- UK Declarations of Conformity will follow the same requirements as EU Declarations of Conformity, but will need to reference UK Designated standards and will refer to a UK Approved Body, not an EU Notified Body

WHEN TO USE UKCA MARKING

You will need to use the new UKCA marking after 1 January 2021 if all of the following apply:

- The product is for the market in Great Britain (England, Scotland, Wales - not Northern Ireland)
- The product is covered by legislation which requires the UKCA marking
- The product requires mandatory third-party conformity assessment
- If conformity assessment has been carried out by a UK conformity assessment body (not a EU27 Notified Body)
- On a UK designated standard (which is the UK equivalent of a EN harmonised standard). A full list of relevant standards can be found on page 9.

This does not apply to existing stock, for example if your product was fully manufactured and ready to place on the market before 1 January 2021. In these cases, your product can still be sold in Great Britain with a CE marking even if covered by a certificate of conformity issued by a UK body before 1st January 2021. Note that Trading Standards will continue to be the market surveillance authority in UK.

RULES TO USE 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. The following general rules apply:

- UKCA markings must only be placed on a product by you as the manufacturer or your authorised representative
- 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 (eg under a designated standard)
- The UK marking (as any third country marking) can be affixed to a product which also carries the CE marking, provided that such marking does not create confusion with the CE marking
- The UK marking as well as any other information concerning UK legislation must be separate from the CE marking and information concerning EU legislation. This applies also to the Declaration of Conformity
- UKCA can be on a label on all products until end of 2022 but then has to be permanently marked on the product unless covered by specific UK CPR rule as follows:

  "On the product but where this is not possible or not warranted on account of the nature of the product, it shall be affixed to the packaging or to the accompanying documents"
- Note that CE marking and UKCA marking relates to an individual product, not a product type

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3. CE MARKING

DEFINITION

CE Marking on a product is a manufacturer's declaration that the product complies with the essential requirements of the relevant European health, safety and environmental protection legislation, in practice by many of the Product Directives.

Product Directives contain the "essential requirements" and/or "performance levels" and "Harmonised Standards" to which the products must conform.

The mark consists of the CE logo and, if applicable, the four digit identification number of the notified body involved in the conformity assessment procedure.

"CE" is an abbreviation of "Conformité Européenne" (French for "European Conformity"). It should be noted that It is not a quality indicator or a certification mark.

CHANGES GOING FORWARD

From 1 January 2022, CE marking will not be recognised in Great Britain. However, a product bearing the CE marking would still be valid for sale in the UK so long as it was also UKCA marked and complied with the relevant UK rules. Products currently requiring a CE marking will still need a CE marking for sale in the EU from 1 January 2021.

UK products legitimately CE marked and circulating on the EU28 market prior to 1st January 2021 can continue to circulate until they reach their end user, whether they are in the UK or the EU. However, the EU importer must be able to demonstrate that the product was placed on the EU market prior to this date. The following will apply:

- Existing CE certificates issued by UK notified bodies can be used by manufacturers to support UKCA marking (but must be maintained)
- CE certificates issued by UK notified bodies are not accepted by EU27 after 1st January 2021
- CE marks affixed after the 1st January 2021 must be supported by an EU27 notified body certificate (where required)

Where no third-party conformity assessment is required, the manufacturer can choose whether to affix the UK marking or the CE marking, provided that the underlying requirements are met. Please note that hardware products covered under harmonised or designated standards are AVCP System 1, therefore they require a Notified/Approved Body for conformity assessment.

ELECTROMAGNETIC COMPATIBILITY

The majority of all electrical equipment and machines, regardless of their operating voltage (or voltage range), are liable to generate or be affected by electromagnetic disturbance. Where such equipment is being sold in Europe, it is required to be CE Marked under the ElectroMagnetic Compatibility (EMC) Directive.

The Electromagnetic Compatibility Regulations 2016 implements this directive into UK law where equipment is placed on market in UK. This now means that:

- UKCA marking is used to place apparatus on UK market (or CE until 31st Dec 2021)
- UKNI marking and CE marking is acceptable in NI market

The main route to conformity for apparatus within the EMC Directive for EU or Regulations for UK is known as 'Internal Production Control' and is entirely a self-declaration process, however a manufacturer may also choose to have their apparatus assessed by a Notified Body or Approved Body. A Declaration of Conformity is also a requirement within this process.

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4. NORTHERN IRELAND PROTOCOL

INTRODUCTION

The provisions of the new UK-EU Trade and Co-operation Agreement do not govern trade in goods between the EU and Northern Ireland, where the Northern Ireland/Ireland Protocol will apply.

This exists to protect the peace and the progress that the people of Northern Ireland have made since the Belfast (Good Friday) Agreement was signed in 1998. This was where UK and Irish governments agreed the border between Republic of Ireland and Northern Ireland should be practically invisible, meaning no cameras and no border posts.

The Northern Ireland Protocol was therefore designed as a practical solution to avoid a hard border on the island of Ireland, whilst ensuring that the UK, including Northern Ireland, could leave the EU as a whole.

Therefore, goods entering Northern Ireland from Great Britain now constitute as "imports". This means that such goods will need to comply with EU product rules and be subject to checks and controls for health, safety and other public policy purposes.

THE PROTOCOL

Under the Northern Ireland Protocol, the UK Government have stated they will ensure that:

- Moving goods from Northern Ireland to Great Britain should take place as previously – there will be no additional process, paperwork or restrictions on Northern Ireland goods moving to Great Britain, therefore providing and delivering unfettered access to the Great Britain market
- Changes for goods moving from Great Britain to Northern Ireland will be kept to an absolute minimum - with a new Trader Support Service, available to all traders at no cost to provide extra support www.gov.uk
- Trade in goods between Northern Ireland and Republic of Ireland, and between Northern Ireland and EU Member States, will continue unaffected, with no change at the border, no new paperwork, and no tariffs or regulatory checks

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4. NORTHERN IRELAND PROTOCOL CONT'D

OVERVIEW OF UKNI MARKING

As long as Northern Ireland Protocol is in force, Northern Ireland will align with all relevant EU rules relating to the placing on the market of manufactured goods. Therefore, products meet those rules by using the appropriate conformity markings. In Northern Ireland, CE marking continues to be used to show goods meet these EU rules following mandatory third-party conformity assessment by an EU27 Notified Body.

If using a UK Approved Body instead of EU27 NB to carry out mandatory third-party conformity assessment, it is necessary to apply instead for UKNI marking.

The UKNI marking is a new conformity marking for products placed on the market in Northern Ireland which have undergone mandatory third-party conformity assessment by a UK approved body or NI Notified Body.

CE UKNI

IMPORTANT NOTES

- It is not possible to use UKNI marking if placing goods on the market in the EU or if planning to use an EU27 Notified body to carry out conformity assessments.
- You cannot apply the UKNI marking on its own, it always accompanies CE on the label as indicated.
- Products under the scope of a Harmonised/ Designated standard carrying only UKCA marking will not be allowed in the Northern Ireland market.
- They will also require CE marking or UKNI marking. CE marking and CE+UKNI marking cannot co-exist on the same product.

UNFETTERED ACCESS

Anything manufactured in Northern Ireland or which is a "qualifying good" from Northern Ireland is allowed access to both EU and Great Britain markets.

Due to "unfettered access" stipulated in the Northern Ireland Protocol, Northern Ireland qualifying goods can still be CE marked using an EU body for assessment or be UKNI marked and still be accepted in Great Britain marketplace without requiring UKCA marking.

"Qualifying good" is one processed entirely in Northern Ireland or one that is present in Northern Ireland and not subject to any customs supervision or control which does not arise from the good being taken out of Northern Ireland or the EU.

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5. HARMONISED & DESIGNATED STANDARDS

EUROPEAN HARMONISED STANDARD

A European harmonised standard is a standard developed by a recognised European Standards Organisation such as CEN or CENELEC. Manufacturers, other economic operators, or conformity assessment bodies can use harmonised standards to demonstrate that products, services or processes comply with relevant EU legislation. They provide a technical basis to assess the performance of construction products.

European harmonised standards also enable manufacturers to draw up a Declaration of Performance (DoP) as defined in the Construction Products Regulation and affix the CE marking. The references of harmonised standards must be published in the Official Journal of the European Union (OJEU).

UK DESIGNATED STANDARD

A UK designated standard is a standard, developed by consensus, which is designated by Secretary of State and is recognised by government in part or in full by publishing its reference on www.gov.uk in a formal notice of publication.

Depending on the product, a designated standard can be a standard adopted by any of the **four following recognised standardisation bodies:**

- British Standards Institution (BSI)
- European Committee for Standardisation (CEN)
- European Committee for Electrotechnical Standardisation (CENELEC)
- European Telecommunications Standards Institute (ETSI)

Or by **international standardising bodies:**

- International Organization for Standardization (ISO)
- International Electrotechnical Commission (IEC)
- International Telecommunication Union (ITU)

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5. HARMONISED & DESIGNATED STANDARDS CONT'D

UK DESIGNATED STANDARD CONT'D

The content of the standard is the responsibility of the recognised standardisation bodies, with BSI as the UK's National Standards Body.

From 1 January 2021, when deciding if a standard is appropriate for designation, the UK government will check how far it covers the various essential requirements set out in the relevant legislation. The government will ensure that the standards applicable in the UK best suit the UK's needs, including designated standards which businesses can use to provide presumption of conformity with British law.

It will update the list of designated standards as and when necessary to retain and enhance the high levels of consumer safety. It may decide not to designate or to designate with restriction. Any such restrictions will be published on www.gov.uk.

Designated standards can in principle be added to over and above the existing harmonised standards which have now been transferred as designated standards. Under Northern Ireland Protocol, Northern Ireland will still be under EU harmonised standards with Great Britain under UK designated standards.

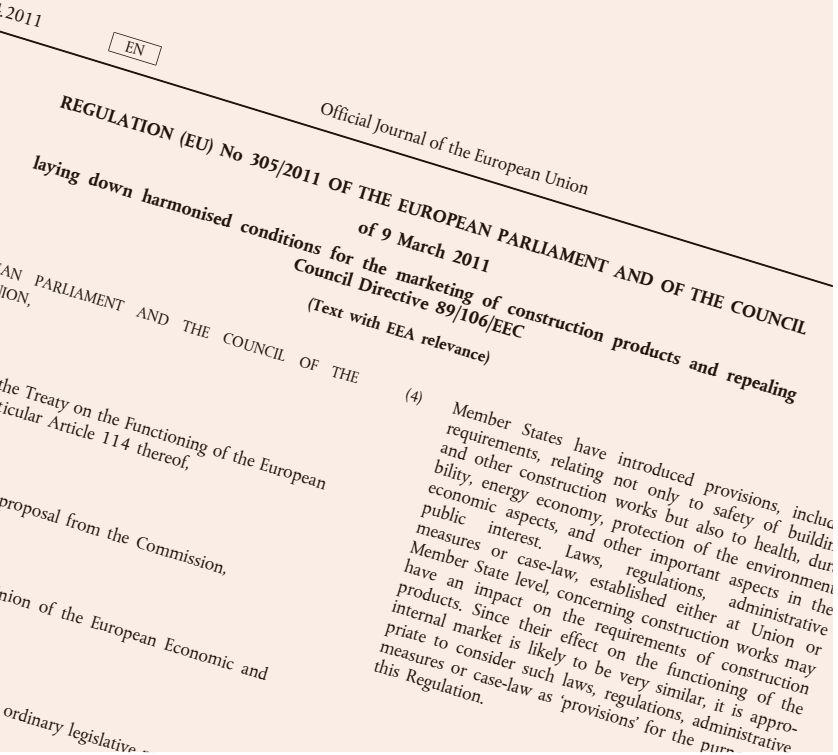
RELEVANT STANDARDS FOR HARDWARE

CE, UKCA or UKNI marking is mandatory in EU, Great Britain and Northern Ireland for all products which fall under the scope of either a European Harmonised Standard or UK Designated Standard.

The following products must all have the appropriate conformity marking for the territory when used on fire or escape doors under the European CPR or UK equivalent and this has not changed.

- Single axis hinges (EN 1935)
- Controlled door closing devices (EN 1154)
- Electrically powered hold open devices (EN 1155)
- Door co-ordinating devices (EN 1158)
- Mechanical Locks (EN 12209)
- Electro-mechanical locks (EN 14846)
- Panic exit devices (EN 1125)
- Emergency exit devices (EN 179)

EN 12209 mechanical lock testing



EN

Official Journal of the European Union

REGULATION (EU) No 305/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down harmonised conditions for the marketing of construction products and repealing

of 9 March 2011

Council Directive 89/106/EEC

(Text with EEA relevance)

AN PARLIAMENT AND THE COUNCIL OF THE

ION,

the Treaty on the Functioning of the European

icular Article 114 thereof,

proposal from the Commission,

nion of the European Economic and

ordinary legislative

(4) Member States have introduced provisions, includ requirements, relating not only to safety of buildi and other construction works but also to health, dur bility, energy economy, protection of the environmen economic aspects, and other important aspects in the public interest. Laws, regulations, administrative measures or case-law, established either at Union or Member State level, concerning construction works may have an impact on the requirements of construction products. Since their effect on the functioning of the internal market is likely to be very similar, it is appro- priate to consider such laws, regulations, administrative measures or case-law as 'provisions' for the purp this Regulation.

The EU CPR 305/2011

The Construction Products (Amendment etc.) (EU Exit) Regulations 2020

STATUTORY INSTRUMENTS

2020 No. 1359

EXITING THE EUROPEAN UNION

BUILDING AND BUILDINGS

CONSTRUCTION

MARKET STANDARDS

The Construction Products (Amendment etc.) (EU Exit) Regulations 2020

Made - - - - 26th November 2020

Coming into force in accordance with regulation 1

lations in exercise of the powers conferred by 7 to, the European Union (Withdr

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6. CONSTRUCTION PRODUCTS REGULATION (CPR)

EUROPEAN CPR

The EU Construction Products Regulation 305/2011 ('the CPR') is a European Law. This law seeks to remove technical barriers to the trade of construction products in the European single market.

It places obligations on manufacturers, distributors and importers of construction products when these products are placed on the market.

The CPR includes requirements for construction product to have CE marking and to be accompanied by a declaration of performance (DoP) and other information if it is to be placed on the market in the European Economic Area and it is covered by a harmonised European product standard or a European Technical Assessment.

UK CPR

The UK have now passed their own version of the European CPR in to law. The legislation is entitled "The Construction Products (Amendment etc.) (EU Exit) Regulations 2020".

This updates the original 2019 version and is in relation to Great Britain only and does not cover goods placed on the Northern Ireland market from Great Britain or goods placed on the British market from Northern Ireland.

The UK CPR outlines:

- The role of UK Approved Bodies
- Authorised Representatives
- Technical Assessment Bodies
- UKCA Marking
- The necessity for accompanying Declaration of Performance (DoP)

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7. APPROVED / NOTIFIED BODIES

EU NOTIFIED BODIES

An EU Notified Body is an organisation designated by an EU country to assess the conformity of certain products before being placed on the market. These bodies carry out tasks related to conformity assessment procedures set out in the applicable legislation, when a third party is required.

Product manufacturers can apply to any notified body in the EU and then once they receive the necessary certification, their products can be sold anywhere in the EU. Following an appropriate assessment, the notified body will issue relevant certification allowing manufacturers to produce a declaration of performance (DoP), CE mark their products and place them on the market in the EU.

A list of these Notified Bodies is available on the European Commission's NANDO-CPR website.

UK APPROVED BODIES

As of 1 January 2021, UK Notified Bodies previously operating under the EU Construction Products Regulation and based in the UK, no longer have Notified Body status. They have, however been granted new UK 'Approved Body' status and are listed on a new UK database on the www.gov.uk website.

Approved bodies will be able to undertake conformity assessment activity for UK designated standards. Where an approved body has undertaken the assessment, the manufacturer (or their authorised representative) must affix the UK marking, either as UKCA or UKNI but not as CE marking.

Rules around affixing the UKCA/UKNI marking will be equivalent to current CE marking.

TRANSITION

The transition from UK Notified Body to UK Approved Body is a relatively simple one with no re-assessment required by UKAS (United Kingdom Accreditation Service). The tasks and activities will be the same. The certificates issued will even look similar to European versions but will instead reference UK regulation.

Note that UK Notified Body certificates became invalid for supporting CE marking on 1st January 2021 but remain valid for supporting UKCA marking from the same date. EU27 Notified Body certificates will not be valid supporting evidence for UKCA marking.

An issue has been raised that EU Notified Bodies may not accept UK fire test results, but this is only for AVCP system 3 and not system 1 where a notified body is required, therefore this should have limited impact on the ironmongery industry.

Product Marking	Great Britain (Eng/Sco/Wal)	Northern Ireland	European Union
UKCA	✓ CAN sell in to Great Britain	✗ CANNOT sell in to Northern Ireland	✗ CANNOT sell in to EU
CE UKNI	✗ CANNOT sell in to Great Britain *	✓ CAN sell in to Northern Ireland	✗ CANNOT sell in to EU
CE	✓ CAN sell in to Great Britain up to 31.01.21. ✗ CANNOT sell after *	✓ CAN sell in to Northern Ireland	✓ CAN sell in to EU

* Unless manufactured in NI under unfettered access of NI protocol

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8. EU MACHINERY DIRECTIVE

Powered Pedestrian Door

LEGISLATION AND DEFINITION

As CE marking will cease to be used in Great Britain, certain products which are of relevance to many architectural ironmongery specifiers and manufacturers fall under the scope of the European Machinery Directive, as opposed to the CPR. The most notable of which is Powered Pedestrian Doors/automatic operators.

One of the main legislations governing the harmonisation of essential health and safety requirements for machinery at EU level is the European Machinery Directive 2006/42/EC. This Directive promotes the free movement of machinery within the EU single market and guarantees a high level of protection for EU workers and citizens. It promotes harmonisation through a combination of mandatory health and safety requirements and voluntary harmonised standards.

UK LEGISLATION - SMR08

In the UK, Powered Pedestrian Doors are machinery also within scope of the UK Supply of Machinery (Safety) Regulations 2008 (SMR08), as amended in 2011. This is regardless of whether they are for use at work (where HSE enforces this product legislation), or not for use at work (where local Trading Standards are the enforcing authority).

Currently SMR08 requires all machinery to be CE marked or UKCA marked, provided with instructions and a Declaration of Conformity. It must be safe by design/constructions by meeting all relevant essential health and safety requirements (EHSRs) to the 'state of the art'.

These requirements are identified within the EN 16005:2012 harmonised standard which not only identifies the EHSRs but also the "state of the art solutions" called safeguarding.

EN 16005 is the European Standard for Power operated pedestrian doorsets. Safety in use. Requirements and test methods and is the code of practice for safety in use of automatic doors for pedestrian use. All pedestrian automatic doors installed since April 2013 should comply with EN 16005. To comply to the EN 16005 standard you need to carry out a full risk assessment.

The BS 7036-0:2014 risk assessment-risk reduction standard is available from BSI and is within the national foreword of the BS EN 16005:2012.

It should be noted that SMR08 is criminal law which applies once; either when the complete machine is placed on the market for the first time; or when it is first put into service. These duties fall on the Responsible Person (as defined by SMR08), which may be the original manufacturer, importer or even a distributor who re-brands a product with their own name (e.g., of a factory-made product).

Normally for the Powered Pedestrian (automatic) doors it's the installing/commissioning company's responsibility, as the product is assembled from various parts in situ and only put into service for the first time when completed.

No civil contract can override these criminal law duties which must be met as stated above by the Responsible Person, who must give their name and address on both the product (on the Declaration of Conformity), and in the Instructions.

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9. SUMMARY CHART

Territory	Standard	Location of standard list	List	Marking
Great Britain	UK Designated Standard	UK Approved Body	UK list of Approved Bodies	UKCA Mark from 01.01.21 (CE Mark until 31.12.21)
Northern Ireland	European Harmonised Standard (hEN)	UK Approved Body	Europe NANDO Notified Body list. NI list of Notified Bodies	CE Mark / UKNI Mark
European Union	European Harmonised Standard (hEN)	EU Approved Body	Europe NANDO Notified Body list	CE Mark

Guild of Architectural Ironmongers

The Guild of Architectural Ironmongers (GAI) is the only trade body in the UK that represents the interests of the whole architectural ironmongery industry - architectural ironmongers, wholesalers and manufacturers.

Formed in 1961, the GAI is internationally recognised and respected as the authority on architectural hardware, building its reputation on three key pillars; education, technical support and community.

Its technical information service is the only specialist service of its kind, providing comprehensive advice on issues relating to the legislation, regulations and standards governing the use of architectural ironmongery and related hardware.

RegAI - Pinnacle of Professionalism

A Registered Architectural Ironmonger (RegAI) is a fully qualified professional who has passed the GAI Diploma course and has completed the annual CPD programme.

Controlled by the GAI, the scheme offers the assurance that by working with a RegAI, you will be working with a professional that is fully up-to-date with the latest legislation, industry standards and products. RegAI status represents the highest possible standard of education and professionalism.

To find a RegAI to work with, check out the RegAI directory on the GAI website.

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