



GAPS ON SHELVES: UKCA MARKING, A LOOMING THREAT TO MARKETS & SUPPLY CHAINS OR A BREXIT BONUS?

Dr Jeffery Llewellyn, President, British Measurement and Testing Association

Webinar

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A Word From Today's Chairman



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Executive Chairman

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Today's Agenda



- 11:00 – 11:05 Chairman's Introduction
- 11:05 – 11:25 Keynote Presentation – Dr Jeffery Llewellyn
- 11:25 – 11:45 Question & Answer

Today's Speaker



Dr Jeff Llewellyn

President

British Measurement and Testing Association

GAPS ON SHELVES: UKCA MARKING, A LOOMING THREAT TO MARKETS & SUPPLY CHAINS OR A BREXIT BONUS?

Dr Jeff Llewellyn, President British Measurement and Testing Association

Poll: What is the CE mark?

- A product safety marking ?
- A mark to show the product conforms with European Standards ?
- A mark showing that the product was made in Europe ?

The correct answer is 'B'

The CE mark stands for 'Conformité Européene'

It shows that the product conforms with the requirements of the relevant Harmonised European Standards (CEN Standards) for product performance and safety.

It is not a safety mark as such and is applied to products made anywhere in the world which are sold in Europe.

It also shows when and where the product was made, who made it, what standards it complies with and who tested it.

The CE Mark – how does it work?

- There are 23 different European Directives which require the CE mark covering a very wide range of products which are sold throughout the EU. For example:
- White goods; washing machines, dishwashers, fridges, freezers
- Phones, radios, computers, laptops, tablets, TVs and other electronic goods
- Construction products, lifts, pressure vessels, garden machinery,
- Fireworks, toys, boats, beer glasses, petrol pumps

Every item must be labelled with the CE mark before it can be sold in Europe











Poll: Which market sector are you from?

Are you:

- (1) A manufacturer or importer?
- (2) A distributor or retailer?
- (3) From financial services?
- (4) From a testing laboratory or similar?
- (5) Other?

The CE Mark – how does it work?

- (1) The manufacturer or importer sends a product to be tested to an accredited testing laboratory on the EU approved list (a 'Notified Body') for testing to the standards specified under the relevant EU Directive.
- (2) The testing laboratory (Notified Body) undertakes the tests and if the product meets the standards the lab issues a 'Certificate of Conformity.'
- (3) The manufacturer or importer shows the Certificate to the 'Competent Authority' (in the UK often a Government Department) who then permits the [manufacturer or importer to label each and every item of product with the CE mark.](#)

So What's new?

- From 1 January 2023 the CE mark will no longer be applied in the UK.
- It will be replaced by the UK Conformity Assessment mark (UKCA mark)
- All products put onto the UK market after 1 January 2023 which were formerly CE marked will have to be UKCA marked.



So What's new?

- ❖ **From 1 January 2021** all UK 'Notified Bodies' became UK 'Approved Bodies'
- ❖ **UK Approved Bodies cannot operate in the EU**
- ❖ **From 1 January 2021 until 31 December 2022** new products coming onto the UK market can be UKCA marked, CE marked or both.
- ❖ **From 1 January 2021** UK manufacturers or importers wishing to place a product on the EU market must have that product tested by an EU Notified Body (not by a UK Approved Body)

So What's new?

- **From 1 January 2021 until 31 December 2022** manufacturers or importers seeking to place a new product on both the EU and UK market need only to have it CE marked (but may choose to have it 'dual marked' with both UKCA mark and CE mark)
- **From 1 January 2023** manufacturers or importers seeking to place a new product on both the UK and EU markets will have to have the product tested by both an EU Notified Body and a UK Approved Body. The tests will be identical but there is no mutual recognition of test results. The product will have to be labelled with the UKCA mark and CE mark.

So What's the Problem?

- UK Approved Bodies will test products for compliance with British Standards which for the most part are International Standards and Identical to European Standards. This may not be the case in future which would increase the cost of dual testing/marketing.
- There are currently 148 UK Approved Bodies on the Government list. It has been lifted straight from the EU list of Notified bodies. Unfortunately it is out of date and not all of the listed ABs now actually offer a service.

So What's the Problem?

- The coverage of ABs across the 23 regulatory areas is uneven
- Construction products are well served with 39 ABs
- For Pyrotechnics (fireworks) and Cableways (ski lifts, cablecars etc) there are none
- For recreational craft there is 1
- For noise from outdoor equipment there are 3.
- Even for construction products which covers a wide range of products there is no or very limited capability for testing some products e.g. Thermostatic Radiator Valves

So What's the Problem?

- The UKCA marking process is very similar to the CE marking process
- But UK Approved Bodies are capability and capacity limited
- They will in some cases not be able to offer a testing service for some products
- The UK market for some products may be too small for an AB to set up a new, viable service. They will only do so if a sound business case can be made.
- Manufacturers of some products will find it very difficult to get products UKCA marked and may choose to abandon the UK market.

So What's the Problem?

- The labelling process takes time. It's not just a case of swapping one label for another
- Things are likely to come to a head in the Autumn of 2022. Not only must manufacturers/importers have new products UKCA marked for the UK market but any stocks of CE marked product which have not been sent to distributors by 31 December 2022 will also need to be UKCA marked.
- This will cause a 'bow wave' effect. Large volumes of product will need to be tested and some ABs will not be able to cope.
- This will create a testing backlog and disruption to supplies.

What's to be done?

- Manufacturers/importers should start the UKCA marking process **now** following guidance on the Gov.UK website
- Alternatively they should build up large stocks of CE marked products and get them to distributors by 31 December 2022 to reduce the 'bow wave'
- The Government needs to encourage ABs to expand their capabilities and capacity to fill the gaps

What's to be done?

The Government could:

- ❑ Permit overseas laboratories to undertake testing where there is no UK capability (easement of regulations)
- ❑ Let contracts to laboratories to provide a service which covered their set up costs
- ❑ Provide financial incentives to ABs to set up new services by means of grants, low interest loans, tax breaks, investment
- ❑ Set up a government testing laboratory (or testing service)
- ❑ Expand the capability of the Office of Product Safety and Standards (OPS & S)

What's to be done?

If nothing is done about the gaps in testing capacity and capability there could well be gaps on shelves in 2023.



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- Mon, 29 Nov (16:00-16:45) The Brussels Effect: How The European Union Rules The World
- Wed, 01 Dec (10:30-12:00) **Employee Share Schemes And Trustees Conference 2021**
- Thu, 02 Dec (11:00-11:45) New Shoots: People Making Fresh Choices In A Changing World

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