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Guidance

Using the UKCA marking if the UK leaves the EU without a deal

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This publication is available at <https://www.gov.uk/government/publications/prepare-to-use-the-ukca-mark-after-brex-it/using-the-ukca-marking-if-the-uk-leaves-the-eu-without-a-deal>

The UKCA (UK Conformity Assessed) marking is the new UK product marking that will be used, subject to parliamentary approval, for certain goods which are currently subject to CE marking and which are being placed on the UK market if we leave the EU without a deal.

If the UK leaves the EU without a deal you will still, in the majority of cases, be able to use the CE marking to demonstrate compliance with the legal requirements and to sell products on the UK market after 12 April 2019. This is intended to be for a time-limited period. However, in some cases, as set out below, you will need to apply the new UKCA marking to products being sold in the UK.

To check whether you will need to use the UKCA marking please read the guidance on trading goods regulated under the 'New Approach' if there's no Brexit deal (<https://www.gov.uk/government/publications/trading-goods-regulated-under-the-new-approach-if-theres-no-brexit-deal/trading-goods-regulated-under-the-new-approach-if-theres-no-brexit-deal>).

Please note that there is separate guidance for construction products (<https://www.gov.uk/guidance/construction-products-regulation-if-there-is-no-brexit-deal>), medical devices (<https://www.gov.uk/government/publications/how-medicines-medical-devices-and-clinical-trials-would-be-regulated-if-theres-no-brexit-deal/how-medicines-medical-devices-and-clinical-trials-would-be-regulated-if-theres-no-brexit-deal>) and rail interoperability (<https://www.gov.uk/government/publications/meeting-rail-safety-and-standards-if-theres-no-brexit-deal/meeting-rail-safety-and-standards-if-theres-no-brexit-deal>).

When to use the UKCA marking

Most products which are currently covered by the CE marking will fall within scope of the new UKCA marking, with the exception of medical devices.

The rules around using the new UKCA marking will mirror those which currently apply for the application of the CE marking.

You will still be able to use the CE marking (<https://www.gov.uk/government/publications/prepare-to-use-the-ukca-mark-after-brexit/using-the-ukca-marking-if-the-uk-leaves-the-eu-without-a-deal#using-the-ce-marking>) for products being placed on the UK market for a time-limited period unless your product requires third party conformity assessment and if this has been carried out by a UK 'notified body'. In these cases, you will instead have to apply the new UKCA marking after 12 April 2019.

You will still be able to use the CE marking for products being placed on the UK market if any mandatory third-party assessment was carried out by an EU-recognised notified body or if the certificate of conformity previously held by a UK body has been transferred to an EU-recognised body.

If you currently rely solely on a self-declaration of conformity for the CE marking you will also be able to use the UKCA marking based on self-declaration, for those products within scope of the marking. In these cases it would be possible to use either marking, or to use both the UKCA and CE marking on the same product.

The UKCA marking will not be recognised on the EU market, and products currently requiring a CE marking will continue to require a CE marking for sale in the EU.

Using the UKCA marking

Placing the UKCA marking

You should attach the UKCA marking to the product itself, but in some circumstances it may be placed on the packaging, in manuals or on other supporting literature. Rules covering the use of the UKCA markings vary depending on the specific legislation that applies to the product.

The following general rules apply:

- UKCA markings must only be placed on a product by you as the manufacturer or your authorised representative (where allowed for in the relevant legislation)
- 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

Rules for using the UKCA image

Depending on the specifics of the legislation that covers your product, you must make sure that:

- if you reduce or enlarge the size of your marking, letters forming the UKCA marking must be in proportion to the version set out below
- the UKCA marking is at least 5mm in height - unless a different minimum dimension is specified in the relevant legislation
- the UKCA marking is easily visible, legible and permanent (meaning indelible)

Download the fill form of the UKCA marking ([ZIP](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785457/ukca-mark-fill.zip), 818KB)

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785457/ukca-mark-fill.zip)

Download the outline form of the UKCA marking ([ZIP](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785458/ukca-mark-outline.zip), 2.03MB)

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785458/ukca-mark-outline.zip)

Technical documentation

You, or your authorised representative (where allowed for in the relevant legislation), must keep documentation to demonstrate that your product conforms with the statutory requirements. This information can be requested at any time by market surveillance or enforcement authorities to check that your product conforms with the statutory requirements. This can be up to a maximum of 10 years after the product is placed on the market.

The information you must keep will vary depending on the specific legislation relevant to your product. You must keep general records of:

- how the product is designed and manufactured
- how the product has been shown to conform to the relevant requirements
- the addresses of the manufacturer and any storage facilities

You should keep the information in the form of a technical file which can be supplied if requested by a market surveillance authority.

UK Declaration of Conformity

The UK Declaration of Conformity is a document which must be drawn up for most products lawfully bearing a UKCA marking. In the document you as the manufacturer, or your authorised representative (where allowed for in the relevant legislation), should:

- declare that the product is in conformity with the relevant statutory requirements applicable to the specific product
- make sure the document has the name and address of the manufacturer (or your authorised representative) together with information about the product and the conformity assessment body (where relevant)

The UK Declaration of Conformity should be available to market surveillance authorities upon request.

When using the CE marking, however, you will need to prepare an EU Declaration of Conformity instead.

Using the CE marking

CE marking of products assessed by UK notified bodies

If the UK leaves the EU without a deal, the results of conformity assessment carried out by UK notified bodies, currently mandated by EU legislation, will no longer be recognised in the EU.

This means that where EU legislation requires conformity to be assessed by a notified body, you must get your products assessed by an EU recognised notified body if you want to sell them in the EU. It may be possible to arrange for assessments made in the UK to be transferred to an EU-based notified body.

You should speak to the notified body that issued your approval about how the above can be arranged.

Continued use of the CE marking in the UK

You will not need to do anything for goods that are sold on the UK market before 12 April 2019. These goods can continue to circulate in the UK as they do now without any changes to the marking requirements.

After 12 April 2019 you will still be able to sell goods which have been made and assessed against EU regulatory requirements and then CE marked on the UK market. This is intended to be for a time-limited period. We will consult with industry and provide notice before ending this time-limited period.

To place CE marked goods on the UK market after 12 April 2019, you will need to ensure that these goods:

- meet the essential requirements as set out in the EU legislation
- have undergone the relevant conformity assessment procedure (including by an EU recognised body, where required)
- display the relevant EU conformity marking (such as the CE marking)

You — and the importer where relevant — will also need to make sure that technical documentation and an EU declaration or attestation of conformity (in English) are available upon request. You must be able to present the documentation to the relevant national authorities, such as a market surveillance authority.

You will still be able to use CE marking based on self-declaration of conformity, when placing products on both the UK and EU markets, during this time-limited period.

After this time-limited period, only the UKCA marking would be recognised for the UK market. A product bearing the CE marking would still be valid for sale in the UK so long as it was also UKCA marked and complies with the relevant UK rules.

Find out how to use the CE marking (<https://www.gov.uk/guidance/ce-marking>).

Further information

Additional guidance about placing products requiring the UKCA marking on the UK market will be published shortly. The requirements will mirror those for placing CE marked products on the EU market.

If you have any queries or require further assistance regarding the UKCA mark, please contact goodsregulation@beis.gov.uk.