# Baker McKenzie.

## **Product Risk Radar**

**UKCA Marking** 

Last updated: 12 February 2024

#### What is the new UKCA mark?

The UKCA mark is the United Kingdom's (UK) new conformity mark for certain types of products placed on the Great Britain (England, Scotland, and Wales) market. It can generally be used on products subject to CE marking for the European Union (EU) market, such as toys, electrical goods, machinery, and PPE, as well as aerosol products which previously required the reversed epsilon marking. The UKCA marking cannot be used for products placed on the Northern Ireland market, which continue to be subject to EU product rules and therefore require the CE mark.

### Will using the UKCA mark become mandatory?

For most types of products using the UKCA mark will now not be mandatory.

Initially the deadline for mandatory UKCA marking was deferred a number of times following the UK's withdrawal from the EU. However, on 1 August 2023, the Department for Business and Trade (DBT) announced an indefinite extension to the use of CE marking in Great Britain for the product regimes falling within its remit (including the regimes applicable to toys, EMC, radio equipment, PPE, machinery, and low voltage electrical equipment (the full list is available <a href="here">here</a>)). On 24 January 2024 it was announced that the legislation required to give effect to this extension would be published in spring 2024 and that this extension would apply to certain other regimes outside of DBT's remit, notably the Ecodesign and Restriction of Hazardous Substances (RoHS) regimes.

Note, the above announcements do not cover medical devices or construction products where the relevant government departments are providing for their own arrangements.

### What is the fast-track UKCA process?

The DBT's January 2024 policy update reported that the UK Government is introducing a fast-track UKCA process. This will not be mandatory but will allow manufacturers to place products on the Great Britain market with a UKCA marking where they meet either UK or recognised EU essential requirements and conformity assessment procedures. Where products fall within multiple regulations, a mixture of UK and EU conformity assessment procedures can be used to demonstrate compliance with UK requirements. No information has been provided on exactly when this fast-track process will be introduced.

### **UKCA Marking**

### What markings can be used for the Great Britain market?

For most product categories manufacturers can, and will continue to be able to, choose between UKCA and CE marking for products placed on the Great Britain market. It has been possible to use the UKCA mark on a voluntary basis since 1 January 2021, provided products meet the relevant UKCA marking conditions.

### What is the UKNI mark?

The UKNI mark is required for products placed on the market in Northern Ireland in certain circumstances. Its use is required alongside the CE mark where a manufacturer has used a UK (rather than an EU) body to carry out mandatory third-party conformity assessment. Importantly, CE-marked products bearing a UKNI mark cannot be placed on the EU market.

### Does the UKCA mark need to be included on the product itself?

Originally it was intended that, following a transitional period, the UKCA mark, like the CE mark, would need to be marked on the product itself save for exceptional circumstances where it could be placed on the packaging instead (e.g., due to the very small size of the product). However, in its January 2024 policy update, the DBT confirmed that the UK Government intends to produce legislation in spring 2024 to provide permanent labelling flexibility with regards to UKCA marking (as well as importer contact details labelling) so that these are not required on the product itself. Further detail is expected on this legislation in due course.

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