



# Product marking, declarations and sales for UK and EU products post-BREXIT

Exclusively for PLASA members

**Please note:** The UK Government has extended the deadline to 31 December 2024. Please see the [GOV.UK website](https://www.gov.uk) for more information.



## Introduction

Whilst this document concerns products used within the sound, lighting and associated sectors, a lot of the guidance is general and other industries may find it useful.

This document gives guidance on the use of the UKCA and CE with the UK and EU. Whilst this is primarily aimed at manufacturers, specifiers and purchasers of equipment may also find this useful to ensure the products they buy are correctly marked.

This document provides guidance both for UK-based manufacturers selling to the EU and for any international manufacturer selling to the UK whether they are based in the EU or not.

**NOTE: that for ease of reading we use the term EU throughout this document, but all of this guidance also applies to the EEA.**

## Background to product marking

Product marking is not a quality or certification mark. It is a mark of conformity to safety, health and environmental standards. It is a declaration from the manufacturer that their product meets those relevant standards. For some standards, products need an independent, external assessment, but the declaration itself is still done by the manufacturer.

When you mark a product you confirm its conformity against a directive. In our industry common ones are the Low Voltage Directive, the radio directive, RoHS, the EMC directive and the Construction Products Regulation (CPR).

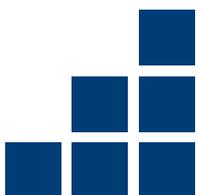
### Difference between a Directive and a Regulation

Both Directives and Regulations are laws. Standards are not laws themselves. However a Directive or Regulation may require you to comply with a standard.

Directives and Regulations are different but for us the work we have to do to comply with either is normally the same. A Regulation is a law that details how EU states must comply. A Directive is a 'result' that must be achieved, but it is down to a member state to create its own national laws on how to achieve this.

This guidance has been produced by PLASA with the help of a working group of members to support all those who need to use the new UKCA marking. The advice contained within this guidance is presented without warranty and compliance with it does not of itself confer immunity from any legal obligations. Any recommendations reflect the conclusions of PLASA and the working group that supported its development.

PLASA would like to give special thanks to Roland Hemming - PLASA Advisor  
And thanks to Avolites, Audiotonix, JESE and John Woodgate.



## Brexit – what changed to product marking?

The UK has been adopting EU law for 40 years with a huge amount of legislation intertwined with national law. In order to deal with leaving the EU, the UK brought in the EU withdrawal act, colloquially known as 'the great repeal bill'. This brought all EU legislation into UK national law on the first day after Brexit.

This meant that from day one, there was no difference to any legislation. For each previously EU law, there was now an identical UK national version. In the case of the law being in response to an EU Directive, there was a UK law anyway, because it was up to each state to pass their own laws to achieve the 'result' of the Directive. In the case of a Regulation, the EU law was copied into UK Law.

When the EU laws were brought into UK law they were modified slightly simply to say UK instead of EU. In some cases some terminology was changed. For example in the EU an independent test laboratory is called a Notified Body, in the UK they are called Approved Body.

Other than small changes and some associated guidance notes, the laws were identical.

In the future, the UK may amend those laws to diverge from the EU. The EU will bring in new laws that the UK will not be part of.

### Selling to the EU

Any manufacturer selling to the EU has to create declarations of conformity for each EU law their product has to comply with. Manufacturers are likely to have done these already.

### Selling to the UK

Post Brexit, any manufacturer selling to the UK has to create declarations of conformity, for the UK law their product has to comply with. So manufacturers need to create additional UK declarations based on their existing EU declarations. The UKCA Declaration will refer to the UK statutory instruments which names may differ slightly from the EU Directives. Despite their similarities, **you cannot have a combined EU and UK document**. They must be separate documents.

UK declarations must be completed by 1st January 2023 or they won't be able to sell the product in the UK.

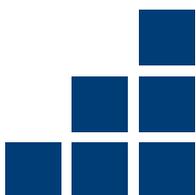
Examples of declarations are shown below.

### UKCA and CE marks

The UKCA and CE marks are the declarations that their products conform to the relevant laws. For sales in the EU the CE mark must be applied.

For 2021 and 2022, the CE mark is also recognised in the UK. From 1st Jan 2023, only the UKCA mark will be recognised in the UK.

The UKCA mark must normally be attached to the product or its packaging. In some cases it is permitted to attach it to supporting literature or manuals.



## Construction Products

For our industry, this section applies to voice alarm products covered by: EN 54-4, EN 54-16 and EN 54-24.

Laws such as the EMC and Low Voltage directives allow the manufacturer to self-declare their conformity. However for the Construction Products Regulation (CPR), formally the Construction Products Directive, products have to be independently tested by an approved laboratory and certification body. In the UK these are called UK Approved Bodies, in the EU they are called EU Notified bodies.

UK and EU Bodies have to exist as legal entities in those jurisdictions. However, the physical testing of products itself can be done elsewhere.

UK-based EU Notified Bodies are no longer recognised by the EU. Therefore if a product was certified by a UK-based Notified Body before Brexit, this certificate and therefore the CE mark is no longer recognised by the EU.

### Options for UK and EU CE marking under the CPR

If a product was tested and certified in the UK:

- Get it tested again by an EU notified body.
- Ask the UK Approved Body to enter into a cross-certification agreement with an EU Notified Body. In this instance, the test reports will be recognised by the EU body and they will issue a new certificate for the EU

In both of the above cases the UKCA mark with the UK Approved Body details and the CE mark with the EU Notified Body details must be applied.

Note that some UK Approved Bodies have already opened offices in the EU, to make the cross-certification a formality. However, you are still dealing with two separate legal entities.

If a product was tested and certified in the EU:

- Get it tested again by a UK Approved Body.
- Ask the EU Notified Body to enter into a cross-certification agreement with a UK Approved Body. In this instance, the test reports will be recognised by the UK Body and they will issue a new certificate for the UK

In both of the above cases the UKCA mark with the UK Approved Body details and the CE mark with the EU Notified Body details must be applied.

Note that some EU Notified Bodies have already opened offices in the UK, to make the cross-certification a formality. However, you are still dealing with two separate legal entities.

The following Bodies have presence in both the UK and the EU. However you should note that other Bodies have entered into cross-certification agreements. If the Body isn't listed below as being present in both jurisdictions, manufacturers should still enquire to see if they have measures in place. Note that only Bodies related to voice alarm products are listed:

UK Approved body	EU Presence	Country
BRE Global Limited	<a href="http://www.breglobalireland.ie">www.breglobalireland.ie</a>	Ireland
FM Approvals Ltd	<a href="http://www.fmapprovals.com">www.fmapprovals.com</a>	Ireland
Intertek Testing & Certification Ltd	<a href="http://www.intertek.de">www.intertek.de</a>	Germany
UL International (UK) Ltd	<a href="http://www.ul.com">www.ul.com</a>	Netherlands
BSI Assurance UK Limited	info.nl@bsigroup.com	Netherlands
SGS United Kingdom Limited	None for voice alarm products	Netherlands
Have said they have UKAS for EN 54 but can't yet see their accreditation	<a href="http://Kiwa.com">Kiwa.com</a>	Netherlands



The above information was found on UKAS website and then by checking what standards the approved Body is accredited to. It is worth referring to this link to check for changes and additions.

[www.ukas.com/find-an-organisation/browse-by-category/?cat=459](http://www.ukas.com/find-an-organisation/browse-by-category/?cat=459)

To find EU Notified bodies you can search the European commission website:

[https://ec.europa.eu/growth/single-market/goods/building-blocks/notified-bodies\\_en](https://ec.europa.eu/growth/single-market/goods/building-blocks/notified-bodies_en)

[EN 54-4 Notified Bodies](#)

[EN 54-24 Notified Bodies](#)

[EN 54-16 Notified Bodies](#)

## Selling to the EU/EEA

For some products, there is a requirement to use an 'authorised representative' and this requirement is determined by the relevant Directive.

From 16 July 2021 you will need to appoint an authorised representative based in the EU or EEA.

If manufacturers currently use distributors based in the EU then they are covered. If manufacturers sell goods direct from the UK without using an importer or fulfilment service provider then they will need to employ an 'EU or EEA-based authorised representative'. This would apply for example if goods are sold online and shipped directly to the end user.

## Selling to the UK

An authorised representative is needed to sell into the UK. However, if manufacturers have an existing EU based authorised representative, then this will be recognised by the UK until 1 January 2022\*. Thereafter a UK based authorised representative will be needed.

\*Following the UK Government's decision to extend recognition of the CE mark by 12 months until 1st January 2023, it is not clear if that extension also applies to when you must use a UK-based authorised representative.

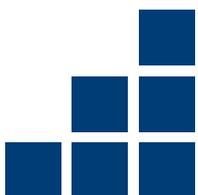
## Notes for specifiers

Those who are specifying products for use in the UK, may need to think a long way ahead. It is important to check with every manufacturer that they have plans in place to apply the UKCA mark to their products. Otherwise, a products may be specified and then when it comes to the project itself, the items cannot be sourced in the UK.

## Notes for authorised representatives - dealers and distributors

Anyone importing the goods into the UK has the legal responsibility to sure the product is UKCA marked, this used to be the responsibility of the manufacturer.

Authorised representatives need to ensure that the manufacturer of the products that they plan to sell in the UK have UK declarations of conformity and that they have a plan for a xing UKCA marks.



## Further reading

This site gives guidance on declarations:

[www.cemarkingassociation.co.uk/declarations/](http://www.cemarkingassociation.co.uk/declarations/)

This is the official UK guidance on UKCA marking:

[www.gov.uk/guidance/using-the-ukca-marking](http://www.gov.uk/guidance/using-the-ukca-marking)

Information on placing goods on the market:

[www.gov.uk/guidance/placing-manufactured-goods-on-the-eu-market](http://www.gov.uk/guidance/placing-manufactured-goods-on-the-eu-market)

[www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain](http://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/792539/placing-on-market-definition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/792539/placing-on-market-definition.pdf)

UKNI marking guidance:

[www.gov.uk/guidance/using-the-ukni-marking](http://www.gov.uk/guidance/using-the-ukni-marking)

## Northern Ireland

In Northern Ireland, EU conformity markings continue to be used to show that goods meet the EU rules. For most manufactured goods, this is the CE mark, but there are some other markings for specific product types, so it's therefore important to check.

If you are using a UK Body to carry out mandatory third-party conformity assessment, then you also need to apply a UKNI marking (sometimes referred to as the UK(NI) mark or the UK(NI) indication).

If you are selling into UK and NI markets you will want to include the UKNI mark however if your product sells into global markets it is recommended that instead you use CE instead to cover the island of Ireland and separately include UKCA for Great Britain.

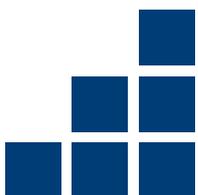
## Crown Dependencies

While the Crown Dependencies such as Jersey Guernsey, Isle of Man and Gibraltar have their own laws they are similar in effect to those in the UK and EU. They have their own legislation for both consumer products and also those for professional use in the workplace.

They will however accept goods bearing EU or UKCA markings.

There is also a framework of general import licensing which allows the import of goods without restriction as long as they are not covered by specific requirements, which many audio products would not unless they are covered by the Radio Equipment Regulations. Any products covered by these regulations cannot be imported without first providing evidence of compliance, while for other products the evidence of compliance with other requirements available in a timely manner on request.

	Type of good	Accepted markings
Placing goods on the market in the EU and EEA	All manufactured goods	CE
Placing goods on the market in Great Britain	Manufactured goods being placed on the GB market until the end of 2021	UKCA or CE
	Manufactured goods placed on the GB market from 1 Jan 2022	UKCA
Placing qualifying Northern Ireland goods on the market in Great Britain (unfettered access)	Qualifying Northern Ireland goods being placed on the GB market under unfettered access	CE or CE and UKNI



## Defining when goods placed on the market

Product marking is done when the product is 'placed on the market'. This does not mean the date that the product was originally launched but when each product is available for sale. Supplying a product is only considered as making available on the market, when the product is intended for end use on the market but it may go through several parties on its way to the end-user.

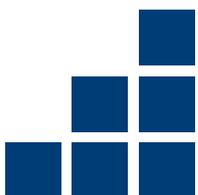
The UK defines this as: *A product is placed on the market (in the UK or EU) when it is made available for the first time on the market, i.e. when it is first supplied for distribution, consumption or use on the market in the course of a commercial activity, whether in return for payment or free of charge. This can be either when a new manufactured product, or a product imported from a third country (new or used) is made available on the market for the first time.*

The EU definition is the same.

[https://ec.europa.eu/info/sites/default/files/essential-principles-goods\\_en\\_0.pdf](https://ec.europa.eu/info/sites/default/files/essential-principles-goods_en_0.pdf)

Therefore an item is considered as placed on the market when it has been manufactured and an order has been placed. The goods do not have to be delivered. This means that the product marking rules apply to when the product was placed on the market.

This means that if someone in the UK places an order for a CE marked product before 31st December 2022, but only takes delivery of them in February 2023, they can still be imported into the UK without the UKCA mark. This is because the CE mark was still valid at the point in time when the product was placed on the market. Note that the goods must have been physically manufactured, they just don't need to be physically delivered.



## Examples of declarations

### European Union - CE

#### CE Declaration of Conformity

This Declaration of Conformity is issued under the sole responsibility of the manufacturer (or Installer).

The product(s) covered by this Declaration

I. List Product name(s)

II. The object of the declaration described above is in conformity with the relevant Community harmonisation legislation:

– Use the EU legislation

Examples:

– Low Voltage Directive (2014/35/EU)

– Electromagnetic Compatibility Directive (2014/30/EU)

– Any relevant others

III. References to the relevant standards used (or references to the specifications in relation to which conformity is declared):

These are the CE standards you have tested to: [CENELEC - Advanced search - Publications](#) (weblink)

Examples:

– EN 62368-1 2014, Audio/Video. Information & communication technology equipment Safety requirements

– EN 55032:2012, Electromagnetic Compatibility of Multimedia Equipment – Emissions.

– Any relevant others

IV. Where applicable (ie for products not self declared): list the notified body, including name, address tests performed, control number and details of the certificate issued

See: [EUROPA - European Commission - Growth - Regulatory policy - NANDO](#) (weblink)

Signed: ..... *Also list address for the place of this certificate issue*

Authority: ..... *Job function eg. Technical Director/Managing Director*

Date: .....



## Examples of declarations

### United Kingdom - UKCA

#### UKCA Declaration of Conformity

This Declaration of Conformity is issued under the sole responsibility of the manufacturer (or Installer).

The product(s) covered by this Declaration

I. List Product name(s)

II. The object of the declaration described above is in conformity with the relevant Community harmonisation legislation:

Refer to the UK Statutory Instruments - [Placing manufactured goods on market - GOV.UK](#) (weblink)

Do not use the EU legislation

Examples:

- Low Voltage Directive (2014/35/EU) becomes Electrical Equipment (Safety) Regulations 2016
- Electromagnetic Compatibility Directive (2014/30/EU) becomes Electromagnetic Compatibility Regulations 2016
- Any relevant others

III. References to the relevant standards used (or references to the specifications in relation to which conformity is declared:

These may be the same as your CE standards - [Designated standards - GOV.UK](#) (weblink)

Examples:

- BS EN 62368-1 2014, Audio/Video, Information & communication technology equipment Safety requirements
- BS EN 55032:2015, Electromagnetic Compatibility of Multimedia Equipment – Emissions.
- Any relevant others

IV. Where applicable (ie for products not self declared): list the notified body, including name, address tests performed, control number and details of the certificate issued

Signed: ..... *Also list address for the place of this certificate issue*

Authority: ..... *Job function eg. Technical Director/Managing Director*

Date: .....



## Directives and Regulations that apply to our industry

These are the laws that commonly apply to industry products. This list is not exhaustive and it is up to the manufacturer to determine what laws apply to their products.

This information is believed to be correct at the time of writing, but changes can occur at any time.

The British legislation is in the form of Statutory Instruments (SI), which are numbered in a form like SI 2000 No. 100. There are thousands of them, and they can be found at: [www.legislation.gov.uk/ukxi](http://www.legislation.gov.uk/ukxi) - many of them are frequently updated and have updates being prepared continuously. The available timelines of updates and the latest versions of the documents can be found from the URL above.

Scotland and Northern Ireland have their own series of Statutory Instruments Most of the British legislation applies to all of the UK, but some applies only to Great Britain because of the special (and still fluid) position in the north of Ireland.

### Relation of EU legislation of concern to PLASA with British post-Brexit legislation (June 2021)

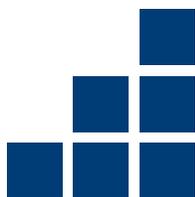
EU Legislation	British Legislation	SI Number	Status
Electromagnetic Compatibility Directive 2014/30/EU	Electromagnetic Compatibility Regulations 2016	2016/1091	Amended 2017, 2019. Amendment in progress
Low Voltage Directive 2014/35/EU	Electrical Equipment Safety Regulations 2016	2016/1101	Amended 2016 and every year to 2019. Amendment in progress
Radio Equipment Directive 2014/53/EU	Radio Equipment Regulations 2017	2017/1206	Amended 2018, 2019. Amendment in progress
Machinery Directive 2006/42/EC	Supply of Machinery (Safety) Regulations 2008 and Supply of Machinery (Safety) Regulations (A) 2011	2008/1587, 2011/1043 and 2011/2057	Amended many times. Amendment in progress
Restrictions of the Use of certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) Directive 2002/95/EC	The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012	2012/3032	Amended 2015, 2018, 2019. Amendment in progress. See also: <a href="http://www.gov.uk/guidance/rohs-compliance-and-guidance">www.gov.uk/guidance/rohs-compliance-and-guidance</a> There are special rules for Northern Ireland
Outdoor Noise Directive 2000/14/EC	Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 and The Noise Emission in the Environment by Equipment for use Outdoors (Amendment) Regulations 2015	2001/1701 and 2015/98	Amended 2001 and 2015 Note that this does not apply to loudspeakers.

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EU Legislation	British Legislation	SI Number	Status
Construction Products Regulation (EU) 305/2011	The Construction Products Regulations 2013	2013/1387	Amendment in progress
	The Construction Products (Amendment etc.) (EU Exit) Regulations 2019	2019/465	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
	The Construction Products (Amendment etc.) (EU Exit) Regulations 2020	2020/1359	Includes special provisions for Northern Ireland
Energy-related Products (ErP) Directive 2009/125/EC	The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2020	2020 No. 1528	Amendment in progress
	The Ecodesign for Energy-Related Products (Amendment) Regulations 2020	2020 No. 485	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
	The Ecodesign for Energy-Related Products and Energy Information (Amendment) Regulations 2019	2019 No. 1253	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
	The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019	2019 No. 539	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
	The Ecodesign for Energy-Related Products (Amendment) Regulations 2017	2017 No. 1143	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
	The Ecodesign for Energy-Related Products and Energy Information (Amendment) Regulations 2016	2016 No. 838	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
	The Ecodesign for Energy-Related Products and Energy Information (Amendment) Regulations 2015	2015 No. 469	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
	The Ecodesign for Energy-Related Products and Energy Information (Amendment) Regulations 2014	2014 No. 1290	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
	The Ecodesign for Energy-Related Products and Energy Information (Amendment) Regulations 2013	2013 No. 1232	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>

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EU Legislation	British Legislation	SI Number	Status
Energy-related Products (ErP) Directive 2009/125/EC [continued]	The Ecodesign for Energy-Related Products and Energy Information (Amendment) Regulations 2012	2012 No. 3005	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
	The Ecodesign for Energy-Related Products (Amendment) Regulations 2011	2011 No. 2677	No amendment or planned amendments
	The Ecodesign for Energy-Related Products Regulations 2010	2010 No. 2617	No amendments. Amendment in progress.
CE Marking Directive 2014/35/EU	The Conformity Assessment (Mutual Recognition Agreements) Regulations 2019	2019/392	Amended 2019. Amendment in progress.
EU Regulation 765/2008 for Accreditation and Market Surveillance (RAMS) [the definitive CE Mark is in Annex II]	The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019  Draft Product Safety and Metrology Etc. (Amendment Etc.) (UK (NI) Indication) (EU Exit) Regulations 2020	2019/696  The UKCA mark is not in the SI; it can be downloaded from <a href="http://www.gov.uk/guidance/using-the-ukca-marking">www.gov.uk/guidance/using-the-ukca-marking</a>  Draft SIs are available at: <a href="https://www.legislation.gov.uk/ukdsi/">https://www.legislation.gov.uk/ukdsi/</a>	Amendment in progress. See also <a href="http://www.gov.uk/guidance/using-the-ukca-marking">www.gov.uk/guidance/using-the-ukca-marking</a>  You only need to use the new UKCA marking before 1 January 2023 if all of the following apply...  Your product: <ul style="list-style-type: none"> <li>• is for the market in Great Britain</li> <li>• is covered by legislation which requires the UKCA marking</li> <li>• requires mandatory third-party conformity assessment</li> <li>• conformity assessment has been carried out by a UK conformity assessment body</li> </ul> The CE mark is still required in Northern Ireland.
Waste electrical and electronic equipment (WEEE) 2012/19/EU	Waste Electrical and Electronic Equipment Regulations 2013 (as amended)	2013/3113	Amended 2014, 2016, 2019. Amendment in progress
Regulation (EU) 2016/425 on personal protective equipment	The Personal Protective Equipment at Work Regulations 1992.	1992/2966	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>
Directive 2006/25/EC - artificial optical radiation	The Control of Artificial Optical Radiation at Work Regulations 2010	2010/1140	Amended 2010, 2014, 2015. Amendment in progress.
	The Control of Artificial Optical Radiation at Work Regulations (Northern Ireland) 2010	2010/180 (NI series)	There is no information about revision, but the uksi site states: <i>This item of legislation is currently only available in its original format.</i>

