



Department for  
Business, Energy  
& Industrial Strategy

**UK  
CA**

# UKCA Implementation Guidance

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## Overview

This guidance provides information on the following topics:

- Placing goods on the market in Great Britain (page 3)
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This guidance is intended to apply to goods which require UKCA marking. However, you should also check the individual regulations applicable to your goods, as the definitions and requirements for 'economic operators' (i.e. manufacturers, importers, distributors, and authorised representatives) and conformity assessment procedures may differ. You should note that this guidance represents BEIS's interpretation of the legislative framework and does not have legal force.

The examples provided throughout this guidance are indicative. They do not apply to all products but are provided to help you interpret the individual regulations.

This guidance update does not apply to Northern Ireland and there are special rules for Qualifying Northern Ireland Goods.

This guidance will be regularly updated, and we will provide further guidance on spare parts shortly.



## Placing goods on the market in Great Britain (GB)

1. A good must be compliant with all applicable product legislation before it is placed on the GB market i.e. before it is made available on the GB market for the first time.
2. An individual, fully manufactured good is placed on the market when it is first made available for distribution, consumption or use on the GB market (England, Scotland, and Wales) in the course of a commercial activity, whether in return for payment or free of charge. This requires an offer or agreement for the transfer of ownership, possession, or any other property right of an individual good, after the stage of manufacture is complete.
3. This does not require the physical transfer of the good.
4. Proof of placing on the market can be through any document ordinarily used in business transactions. For example, a contract of sale or an invoice.
5. Under the legislation, manufacturers and importers are the only 'economic operators' who place goods on the market. When a manufacturer or an importer supplies a good to a distributor or end user in GB for the first time, the good is considered to be 'placed on the market'. Any subsequent operation, for example, supply from distributor to distributor, or from a distributor to an end-user, is defined as 'making available'.
6. When a good is subsequently 'made available', it must comply with the legal requirements that were in place at the time of its placing on the market.
7. Some legislation refers to the term 'putting into service'; which takes place the first time a good is used in GB by the end user for its intended purpose. If legislation uses both terms, i.e. 'placing on the market' and 'putting into service', then the UKCA marking requirements must be met before the first of these two happens.
8. If a good is put into service after it has been placed on the market, the person putting it into service may have to make sure the good continues to meet the requirements that were in place when it was first placed on the market. You should check the individual regulations to understand your obligations.

### Examples

#### Goods manufactured in GB

9. If a GB based toy manufacturer contracts to supply individually identifiable (e.g. with individual type, batch, or serial numbers) and fully manufactured toys to a shop in GB before 31 December 2022, this agreement will constitute



placing on the GB market, even if the toys are physically delivered after 31 December 2022.

10. If a GB based vehicle manufacturer contracts to import components<sup>1</sup> for assembly into a vehicle in order to export the finished vehicle outside of the GB market, the components and the finished vehicle are not considered to be placed on the GB market.
11. If a GB manufacturer designs or manufactures machinery for their own use, the requirements, including affixing the UKCA marking, must be met before that manufacturer uses the machinery for the first time in GB. For other goods, the marking requirements in this context may differ depending on the legislation. Therefore, you should check the relevant conformity assessment procedures for your goods.

#### Goods manufactured outside of GB

12. If an overseas electronics manufacturer contracts to sell individually identifiable and fully manufactured goods to an end user (e.g. a consumer), this will constitute placing on the market.
13. If an electronics manufacturer contracts to transfer or sell individually identifiable and fully manufactured goods to an importer, these will be considered placed on the market when they are first made available on the GB market. Both the manufacturer and the importer have obligations under the regulations which must be adhered to in this situation i.e. the manufacturer must complete the conformity assessment procedure (and affix the UKCA marking) and the importer must check that the goods are compliant before placing them on the market.
14. In essence, importers will need to ensure goods they are placing on the GB market after 31 December 2022 are lawfully UKCA marked.
15. In the context of a transfer of ownership or possession (or other property right of the fully manufactured good) between a manufacturer outside the UK and their UK subsidiary (if they are both separate legal entities), the UK subsidiary will need to ensure all requirements are met when making the good available on the GB market for the first time. If the UK subsidiary is the end user of the good (in GB), rather than the importer, the transaction between the manufacturer and the subsidiary will be considered 'placing on the market'. If putting goods into service, the subsidiary may need to check that the goods meet the requirements before doing so.

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<sup>1</sup> Note, this refers to components covered by UKCA regulations, not Vehicle Type Approval



## Circulation of goods on the market

16. The government will introduce legislation to allow goods which meet EU requirements (including having the CE marking affixed) to be placed on the GB market until 31 December 2022. Once on the GB market, these goods can continue to circulate on the GB market even if they are second hand<sup>2</sup>. However, if they have been substantially modified, there may be a need for remarking.
17. Additionally, under the terms of the UK-EU Withdrawal Agreement, any goods that were lawfully placed on either the EU or UK markets on or before 31 December 2020, can continue to circulate between both markets until they reach their end user. Once they reach their end user, this provision no longer applies.
18. This means that if the good was originally placed on the UK market, the end user cannot sell the good on the EU market without ensuring the good conforms to current EU requirements. If, however, the good<sup>3</sup> is still with a UK distributor, that UK distributor can make that good available on the EU market after 31 December 2020.
19. If a second hand good was lawfully placed on the EU market on or before 31 December 2020, it can be made available on the GB market without the need for UKCA marking as long as it hasn't reached its end user. However, unless that is the case, second-hand goods which have been imported and placed on the GB market for the first time after 31 December 2022 will need to be UKCA marked.

## Examples

20. A laptop placed on the EU market on or after 1 January 2021 will need to meet UKCA rules before being placed on the GB market for the first time after 31 December 2022.
21. A laptop placed on the GB market before 31 December 2022, lawfully bearing the CE marking, can be made available second hand on the GB market after 31 December 2022 without requiring the UKCA marking.

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<sup>2</sup> Provided they continue to meet the legal requirements in place when they were placed on the market

<sup>3</sup> Provided it was lawfully placed on the UK market on or before 31 December 2020



## UKCA labelling easement

22. For most goods which require UKCA marking, where the requirements of the legislation are met, the marking can be placed on a label affixed to the good or on a document accompanying the good until 31 December 2023 (subject to pending legislation). This label or accompanying document must stay with the individual good until it reaches its end user.
23. We are not overly prescriptive about what constitutes an accompanying document. In terms of whether and how long an accompanying document needs to be retained, this will depend on the circumstances. For example, if a good is transferred in the course of a commercial activity (in a business-to-business or business-to-consumer transaction), the business supplying the good will be subject to distributor responsibilities and obliged to verify that the good is accompanied by the UKCA marking.
24. The accompanying document must reach its end user to indicate that the good is compliant. However, it is not expected that each individual good will need an accompanying document if moving through the supply chain as a batch e.g. if 1,000 units are moving from distributor A to distributor B, one accompanying document should be sufficient, if the information that must accompany the UKCA marking applies to all the units.
25. However, if distributor B were to then break the units up and supply them to separate distributors C, D, and E, each broken up unit would need to be accompanied by a document (and so forth as the units move through the supply chain towards the end user).



## Components

26. A good must be compliant with all applicable legislation when placed on the GB market. This may include a requirement for components to be individually conformity assessed and marked. However, for many goods, a single marking covering the overall good is sufficient. Ultimately, it is the responsibility of the manufacturer to check the conformity assessment requirements for their goods and the components within them.
27. If a GB importer brings in components for assembly into a final good, which is then marketed under their own name or trademark, the GB importer assumes the responsibilities of a manufacturer and must ensure UKCA compliance before making the completed good available on the GB market.
28. Manufacturers should check whether components require individual marking under the legislation and factor this into their plans for goods being placed on the GB market after 31 December 2022.
29. An imported good, inclusive of components, needs to be compliant with UKCA requirements before it is placed on the market, if it is placed on the market after 31 December 2022.
30. Where an assembly or installation which met EU requirements (including CE marking) and was placed on the GB market on or before 31 December 2022 is subsequently stripped down for its components to be sold separately, the business selling the components must ensure that they continue to meet the requirements that were in place when the components were first placed on the market<sup>4</sup>. If the components required CE marking, then the person selling the components must check they are CE marked. They must also check they are properly labelled and accompanied by the required documents.
31. If the person selling the components has reason to believe they do not meet the requirements (including any essential safety requirements), they must not make them available.

## Examples

32. A radio fitted in a vehicle would require the UKCA marking if the vehicle (inclusive of the radio) is placed on the GB market after 31 December 2022.

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<sup>4</sup> Meaning, when the assembly or installation they were in was placed on the market



33. A radio imported for assembly into a vehicle, will need to bear the UKCA marking if the vehicle (and therefore the radio) is placed on the GB market after 31 December 2022.
34. For machinery, there are specific provisions on 'partly completed machinery'. Partly completed machinery does not need to be UKCA marked if it is only covered by the Supply of Machinery (Safety) Regulations 2008 (but it must comply with other requirements under this legislation). It is the completed machinery itself that will need to be UKCA marked when placed on the market or put into service.





## Prototypes and testing

35. Prototypes which are not yet made available for distribution, consumption or use on the GB market do not require UKCA marking. However, the prototype must only be displayed or operated under controlled conditions at trade fairs, exhibitions, or demonstrations in GB. This means they need to be operated by experts, there must be restricted public contact with the good, the good must not interact inappropriately with other neighbouring goods, and it must be clearly indicated that goods do not meet the GB requirements and are not for supply.
36. Goods undergoing testing or validating pre-production of units do not require UKCA marking, as they are still considered to be in the stage of manufacture and therefore have not been placed on the GB market.
37. However, fully manufactured goods intended for consumer testing need to meet the UK requirements as they apply in GB, including being UKCA marked if this takes place after 31 December 2022.

## Examples

38. A prototype mobile phone that is operated under controlled conditions and for demonstration only would not require UKCA marking even if this took place after 31 December 2022.
39. A prototype mobile phone supplied to a small group of GB consumers to test its functionality would require UKCA marking if this took place after 31 December 2022.



## Leasing and hiring

40. Goods which are loaned, hired, or leased will require UKCA marking if they are being placed on the GB market i.e. made available on the GB market, for the first time after 31 December 2022.
41. The loan, hire, or leasing of a good supposes a transfer of possession or property rights concerning the good after the stage of manufacture is complete.
42. However, repeated leasing and hiring of the same good (i.e. not just an identical good), which has been placed on the GB market before 31 December 2022, will not require re-marking if loaned, leased, or hired after this date. The repeated leasing and hiring of a good is defined as further 'making available' and therefore does not require re-marking. However, before every leasing, the person leasing the good will need to check that the requirements are still met.
43. The date a good is placed on the market can be demonstrated by any document ordinarily used in business transactions, for example a contract of sale or invoice which details the serial number of the good.

## Example

44. A piece of equipment originating from the EU or another country outside the UK, that is hired by a GB customer before 31 December 2022 (bearing the CE marking), can be shipped back to the supplier and rehired later without the equipment needing to bear the UKCA marking, provided that it is the same piece of equipment being hired again and the requirements are still met.



## Economic operator responsibilities

### Manufacturers

45. The manufacturer is anyone (individual or company) who manufactures a good or has a good designed or manufactured and markets that good under its name or trademark. For instance, an importer who markets a good under their name and trademark is usually considered to be the 'manufacturer' and assumes the responsibilities of a manufacturer.
46. As a manufacturer, when placing a good on the GB market, you are responsible for (among others):
- Ensuring your good complies with the relevant GB rules.
  - Ensuring the relevant conformity assessment procedures have been carried out and affixing the relevant conformity marking.
  - Drawing up the technical documentation and a UK declaration of conformity/performance (depending on the legislation).
  - Indicating your details (name, registered trade name or registered trademark and postal address) on the good. Note, some legislation permits these details to be provided on packaging or accompanying documentation.
47. You should check the relevant legislation to understand your full responsibilities.

### Importers

48. An importer is anybody (individual or company) established in the UK who commercially supplies a good from outside the UK for distribution, consumption or use on the GB market.
49. As an importer, when placing a good on the GB market, you are responsible for (among others):
- Ensuring the manufacturer has carried out the correct conformity assessment procedures, subject to the requirements of the relevant legislation.
  - Ensuring the manufacturer has drawn up the correct technical documentation, affixed the relevant conformity marking, and has fulfilled their traceability obligations (i.e. contact details are included).



- Indicating your details (name, registered trade name or registered trademark, and postal address – usually a number, street, and postcode) on the good. The legislation sometimes permits placing these details on packaging, or placing them on accompanying documentation, as an alternative to affixing them to goods themselves.
- To smooth the transition, until 31 December 2022, importer details can be affixed to a label attached to the good or on accompanying documentation if goods are from the EU (and the EEA and Switzerland, where EU legislation is implemented in those countries).
- Retaining a copy of the declaration of conformity/performance for 10 years after the good has been placed on the market.

50. You should check the relevant legislation to understand your full responsibilities.

## **Distributors**

51. The distributor is a person in the supply chain, other than the manufacturer or importer, who makes goods available on the GB market.

52. As a distributor you are responsible for:

- Verifying goods bear the required conformity/performance marking and are accompanied by relevant documentation (e.g. a UK declaration of conformity/performance, safety information, installation instructions).
- Taking due care to ensure that goods meet the requirements of the legislation. You should not make a good available on the market if you have reason to believe it is not in compliance with the legislation.
- Verifying that the manufacturer and importer have indicated their name, address, and (if relevant) registered trademark on the good.

53. You should check the relevant legislation to understand your full responsibilities.

## **Authorised representatives**

54. A manufacturer may appoint in writing a UK based authorised representative to carry out certain tasks under the legislation. Under some legislation an authorised representative is mandatory, but in most cases it is voluntary.

55. Depending on the legislation, the authorised representative may draw up a UK declaration of conformity, affix the UKCA marking and keep technical



documentation, and is required to cooperate with market surveillance authorities.

56. Under the legislation, the role of an authorised representative is usually different to that of an importer. However, if an authorised representative is also acting as an importer, or distributor, they will need to fulfil the obligations of those economic operators under the legislation as well.

57. You should check the legislation to understand your full responsibilities.

## **Responsible persons**

58. Some legislation, such as the Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001 and the Supply of Machinery (Safety) Regulations 2008, uses the term 'responsible person' and provides that they must not place equipment/machinery on the market or put it into service unless various requirements have been met, including that it bears the UKCA marking.

## **End users**

59. Consumers and most professional end users are not subject to obligations under the legislation. However, some professional end users who 'put goods into service' may be subject to compliance obligations if set out in the product legislation.