WHITE PAPER

Ensuring compliance with UK Conformity Assessed (UKCA) Marking Requirements

Although the UKCA (UK Conformity Assessed) product marking was originally brought into force 1st January 2021, governing the certification of goods across England, Wales and Scotland, businesses can continue to use the CE mark until 31st of December 2024 before the guidance becomes a legal requirement.

This white paper aims to provide a clear breakdown of the UKCA certification and offer advice to ensure businesses are compliant with the new guidance in time.

CROWCON
Detecting Gas Saving Lives

CE Marking

This is only one of the many certifications a gas detection company has to achieve on its product of course. The hazardous locations certificates, ingress protection certificate, document of conformance with the national and European safety standards, and of course the test documentation to support the UKCA and CE marking are the legally enforced certifications, but there are many others that are highly desirable if not legally enforced. These include performance certifications, safety integrity checks, other environmental performance certification and regional permissions to sell. There is also an intermediate category of product dependent legally enforced certification for example adherence to the Radio Equipment Directive if there is an antenna present in the product, FCC regulations if the product is to be sold into the US, and various regional hazardous location certifications for example CSA, UL, FM, INMETRO, marine wheelmark certification and IECEx to name but a few. Then there are the QA certifications for firmware, the manufacturing process certifications and the more general manufacturing company certifications like adherence to cyber essentials – most relevant for software based products.

As is evident, gas safety checks and the many product certifications matter a great deal to our industry. Certificates provide easy visual recognition for operators to ensure that the device in use works correctly, as well as provide peace of mind that those working with our products in a hazardous environment will be protected according to best practice.

With this in mind, it is important that every relevant equipment manufacturer and business ensures up to date product compliance with new marking, both to demonstrate that best practice and to avoid complications and delays if events transpire. These can be desirable events like inspections, or undesirable ones like near misses and worse. The intention is always to avoid possible safety breaches, but in many cases product security and hence safety is enhanced.

The UKCA certification is a replacement within the UK for the current CE marking. Products for sale in the European Union still need a CE marking to prove their safety, functionality and manufacture, and at present the UKCA marking is not recognised on the EU market following the UK's exit from the European Union, the single market and the customs union.

To allow businesses time to adjust to the new requirements, business have still been able to use the CE marking but this is only until 31st December 2024 in most cases (any product manufactured with a CE mark before the 31st December can still be placed onboard a vessel with a UK registered flag).

However, once this deadline passes, the CE Mark will no longer be a true representation of compliance with UK Product Safety Regulations, including the Supply of Machinery (Safety) Regulations or the Electromagnetic Compatibility Regulations. Obviously, the standards and regulations will take time to diverge, and may never do so, but to sell within the UK will require the UKCA mark and to sell within the EU, the CE mark will still be required. At present if you pass the tests for one, you pass the tests for the other, but no one can guarantee that will remain the case in the long term.

UK manufacturers are therefore required to ensure UKCA Mark placement on relevant products, to show conformity to the UK's legal product safety regulations. The General Product Safety Regulations were issued in 2005 and state that products should be "safe in their normal or reasonably foreseeable usage". The legislation also denotes that enforcement authorities can take appropriate action when these rules are not met. Knowingly making or selling a product that fails to meet the EMC regulations has been an offence for at least 30 years, but now failing to do comprehensive testing to prove compliance is also considered failure to meet best practice and leaves a manufacturer in a bad position if their product should cause a problem or fail to perform perfectly.

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"The ATEX certification, which as an acronym stands for ATmosphères EXplosibles"

ATEX Certificates and Importance of CE Compliance

Historically the ATEX Directive was one of a number of European CE Marking Directives relating to the governance of products being placed on the EU market. The ATEX Directive 2014/34/EU specifically related to hazardous and explosive area equipment and protective systems, for use on the surface, below ground and on fixed offshore installations.

The ATEX certification, which as an acronym stands for ATmosphères EXplosibles, was the marking required to prove that equipment utilised in potentially explosive environments worked safely without setting off an explosion or causing a fire. For equipment used in-line with manufacturers guidelines, in hazardous locations, either within the European Union (EU) or the European Economic Area (EEA), products need to be ATEX certified. To be admissible in the EU, product ATEX certificates must be issued by a Notified Body resident in a member state. Products intended for use in hazardous areas in the UK must be supported with a UKCA 'Ex' (UKEX) certificate.

Other CE markings that illustrated equipment was safe-for-use and complied with relevant EU directives were the Machinery, Low Voltage, EM and Pressure Equipment directives. All products marked by the CE sign had to include a Declaration of Conformity (DOC) to show compliance with the standards and was recognised as a legal document.

ATEX and other CE markings, continue to be vitally important to our industry, as they offer a legal stamp of validity traceable either to a notified body or a NAMAS accredited body, that show equipment is safe for use. Without a marking, equipment should be assumed to be uncertified and hence dangerous to use. This applies if there is no official mark present to show that it has been approved for safe use in hazardous spaces, or if it has just become unattached. It still makes it uncertified.

The New Approach and Who Do The Changes Apply To?

The new UKCA (UK Conformity Assessed) marking encompasses most goods previously requiring the CE marking, including ATEX marked products. These goods are now known as 'new approach' goods. Due to the ongoing economic negotiations that surround the Northern Ireland Protocol, the UKCA mark may not be used on its own for marking of products for sale. The existing CE mark will continue to be accepted in NI and there is no requirement for Crowcon to use a UKNI marking. The UKNI mark is only required for certain situations for example if using a 3rd party UK notified body to carry out a mandatory conformity assessment.

It is important to now list those who the changes apply to, to ensure clarity. It is only necessary to use the new UKCA marking before 31st December 2024 if your product is for sale for the market in Great Britain, is covered by legislation which requires the UKCA marking, needs mandatory third-party conformity assessment, and if a conformity assessment has been carried out by a UK conformity assessment body. The marking does not reference existing stock which have already been fully manufactured, CE marked and placed on the market before 1 January 2021. All these products do however need to be placed on the market and sold prior to 31 December 2024, according to governmental guidelines. Thereafter the UKCA mark is a mandatory requirement.

There are however differing guidance and expectations for the marking of medical devices, construction products, marine equipment which instead uses the wheelmark and has its own regulations, transportable pressure equipment and some rail products. Essentially, if you are selling goods in Great Britain, conformity to these certification changes and product marking are relevant to you.

It is worth noting that the technical expectations of the UKCA legislation are at present the same as that which was required to warrant and pass the CE marking. It is simply the area in which the marking is recognised and has validity which has now changed.

As the manufacturer, if you were able to self-declare conformity for the CE marking, you will also be able to do the same for the UKCA marking. As long as you meet the expectations of undertaking a conformity assessment, setting up a technical file, issuing a declaration of conformity, and affixing the CE mark logo to your product, then you will be able to do the same for UKCA. The exact same level of proof of conformity is required, and this will generally be a series of passed test results gathered into a technical file format.

Ensuring product validity and safety does not just apply to product manufacturers, but also service providers, or intermediaries such as landlords, housing associations, local authorities, hotels and B&Bs, colleges, boarding schools, and hostels. The Health and Safety Executive outlines that "you must ensure that any gas appliances (permanent or portable), and gas flues that you own and provide for use by your tenants have regular gas safety checks."

The first step, in line with these changes, is to ensure that the products in your environment are suitably certified and meet current safety legislation in the UK.
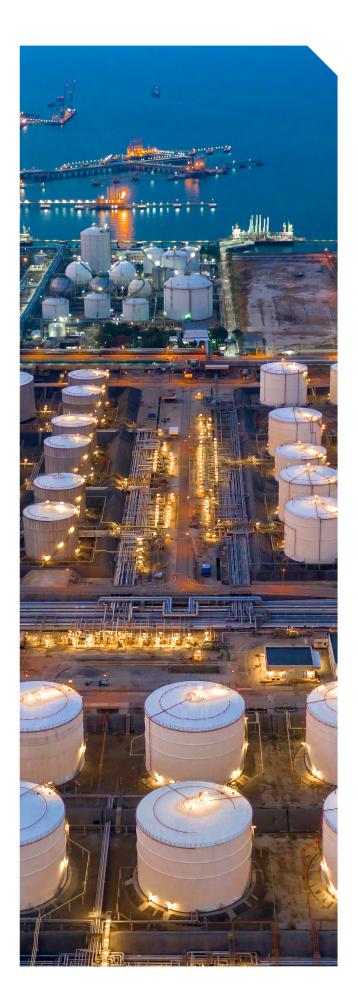
Visibility and Usage

For manufacturers, it is a requirement to ensure that the products clearly show their UKCA marking. General rules around visibility and usage are as follows. The marking needs to be clearly visible and legible upon the product, however if this is entirely not possible you can attach it to packaging or accompanying documents.

Legislation markings are only able to be affixed to products by the manufacturer themselves, or by an authorised representative. If you are placing the marking on your product internally then you are taking accountability for its conformity and the associated legislation in its entirety.

• Fulfil a different function from the UKCA marking

• Do not cause confusion with the UKCA marking

• Do not reduce the legibility and visibility of the UKCA marking

• Follow the rules for using the UKCA image

UKCA markings must also be, if reduced or enlarged, in proportion to the original and at least 5mm in height. Ultimately, visibility and legibility is key.

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Helpful Third-Party Evaluation for UKCA Certification

As a manufacturer of equipment, a line manager within a gas detection environment, a device operator or a company health and safety officer, the need for the equipment you manufacture, or use, to be safely certified is incredibly important.

Partnering with a third party to ensure UKCA compliance and certification is an option for manufacturers looking for support amidst these changes. Although many products requiring a UKCA mark do not need third party assessment, some do, and understanding all of the requirements and completing this process end to end can be confusing.

Third parties can design risk assessments and gather relevant information to ensure the process is suitable for the products in question. The process of certification involves conformity planning, risk assessment design, selection of protective measures to ensure compliance, as well as ongoing review.

Moving forward, the process can also involve a conformity assessment and a certification audit. This can be overwhelming to organise in house and so third-party support can be very valuable.

In terms of those buying gas safe equipment, always check that the devices you invest in are UKCA certified.

There is Still Time

Equipment certification and classification is a valuable and crucial part of ensuring safety across the gas detection industry. Ensuring 'new approach' products are compliant to the United Kingdom Conformity Assessment Mark, or UKCA/UKNI Mark, before the deadline of 31st December 2024, is a must for product manufacturers.

For those purchasing products, conducting due diligence and ensuring the equipment purchased is properly validated goes without saying. Crowcon sells a range of UKCA certified products that are safe for use in potentially explosive and hazardous environments. The ongoing safety and wellbeing of operators is of paramount importance, as is the safety of all those working in dangerous fields.

For more information about the UKCA mark or the products available at Crowcon please get in touch with a member of our knowledgeable team.

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