



Steel Construction Certification Scheme Ltd

UKCA Marking in the event of a No Deal
Exit from the European Union

Foreword

SCCS CE certified businesses in the UK are facing one of the most significant changes in decades as the UK prepares to leave the European Union (EU).

The UK is preparing to leave the EU on 31 December 2020, Should the UK leave the EU without a deal, the government will immediately introduce UK Conformity Assessed Marking (UKCA Marking) on exit day, although the CE Marking of construction products will still be permitted for a limited time period. The legislation that will make this change has already been drafted and will become UK law once the UK leaves the EU without a deal on 31 December 2020.

After a no deal Brexit, UKCA or CE Marking remains mandatory for all construction products covered by a UK Designated Standard. This includes fabricated structural steelwork, and engineers, contractors and steelwork specialists will need to understand their obligations and how the new UKCA Mark works.

This paper highlights how the SCCS CE certified client can easily meet the requirements of UKCA Marking.

I'm sure you will find this supplement helpful.

Dr Simon Pike – SCCS Certification Board Chairman



Note: As of November 2020, there is little guidance for conformity assessment in Northern Ireland.

Summary

- From 1 January 2021, construction products placed on the GB market should be marked with UKCA marking — or CE marking until 31 December 2021
- From 1 January 2022, construction products placed on the GB market must be UKCA marked from a UK Approved Body
- Construction products placed on the EU market must be CE marked from an EU Notified Body
- The UKCA marking will not be recognised in the EU market, and the UKCA marking will not be valid in the NI market
- CE marking by an EU Notified Body is valid in the EU and NI, and valid in GB until 31 December 2021
- UK Approved Bodies are not able to issue CE mark certificates after 1 January 2021
- From 1 January 2021, construction products placed on the NI market should be marked with CE marking from an EU Notified Body or CE and UKNI marked from a UK Approved Body
- UKNI marking is never applied on its own, it always accompanies the CE mark
- UKNI marking by a UK Approved Body is not valid in the EU

Market	Until 31 December 2021	From 1 January 2022
Great Britain (GB)	UKCA or CE	UKCA
Northern Ireland (NI)	EU Notified Body: CE	
	UK Approved Body: CE and UKNI	
	Qualifying Northern Ireland goods being placed on the GB market under unfettered access: CE or CE and UKNI	
Republic of Ireland	CE	CE

CE / UKCA Marking after 1 January 2021

As of 01 January, 2021 and for a period of 1 year, CE marking and UKCA marking will both be accepted in GB. From 1 January 2021 the UKCA mark should be affixed to all construction products placed in the GB market and is mandatory from 1 January 2022.

The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465) — and provisions in the European Union (Withdrawal Agreement) Act 2020 (Commencement No. 1) Regulations 2020 (S.I. 2020/75) — will come into effect on 1 January 2021. The effect of this legislation is that all existing European harmonised standards will become UK designated standards. This will mean that immediately after the end of the transition period, harmonised standards and UK designated standards will be identical. Conformity assessment will take place according to these UK standards, and products will need to be UKCA marked.

The two conformity assessment approaches are:

CE marking	UKCA marking
The European approach	The UK approach
Construction Products Regulations 2013	The Construction Products (Amendment etc.) (EU Exit) Regulations 2019
Accepted in GB until 31 December 2021	Commences 1 January 2021 and mandated from 1 January 2022
Requires a EU Notified Body for certification (for third-party assessment)	Requires a UK Approved Body for certification (for third-party assessment)
Assessment is against European harmonised standards	Assessment is against UK designated standards

Continuing to CE Mark

Goods legitimately affixed with CE Marking already on the GB market before 1 January 2021 will be able to continue to circulate in the UK and the EU. A certificate issued by an EU Notified Body that was valid immediately before that date continues to be valid for the purposes of the GB market.

Additionally, goods which are made and assessed against EU harmonised standards and legitimately carry the CE marking can continue to be placed on the GB market until 31 December 2021.

Products being placed on the GB market in this way must be compliant with the obligations of the EU's Construction Products Regulation (No. 305/2011) (EU CPR).

This includes that they:

- Be covered by an EU harmonised standard, which is the same as a UK designated standard (as noted previously, immediately following exit these will be identical)
- Are affixed with CE marking
- Be accompanied by a manufacturer's Declaration of Performance (DoP)
- Have been assessed by an EU-recognised Notified Body, where third party assessment is required

The CE marking system will continue unchanged in the UK during the transition period described in the Withdrawal Agreement. The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 regulations will be updated next year to set out a further "time-limited period" during which CE marking and UKCA marking will both be accepted, and that is likely to be 1 year, i.e. until 31 December 2021. After that, CE marking will no longer be allowed, and the products need to be UKCA marked.

Placing products on the GB market

Construction products that are correctly CE marked and placed on the market before 1 January 2021 may be circulated between the two markets, i.e. UK and EU, until they reach the final end-user. This only applies to individual products that have been placed on the market, not to series of products in a general manner, i.e. it only applies to series products that are placed on the market. Placing on the market means the first supply of goods and supply means an existing identifiable good after manufacturing has taken place. This has implications for the fabrication of steelwork. Although a contract for fabrication may have been agreed the fabricated steelwork is not considered to be placed on the market until after manufacture/fabrication.

Existing stock that has been fully manufactured and conformity marked can still be placed on the GB market after 1 January 2021 with existing markings and notified body numbers. Any product covered by a UK certificate of conformity, and which would normally need UKCA marking after 1 January 2021, can still be sold in GB with a CE marking so long as it is from pre-existing stock fully manufactured before 31 December 2020.

Changing to UKCA Marking

From 1 January 2022:

- The "UK Conformity Assessed" UKCA logo will replace the CE logo
- For construction products, the "UK Declaration of Performance" will replace the "EU Declaration of Performance" declaring conformity with the UKCA marking regulations instead of the EU Directives and Regulations

and thus, steelwork contractors must affix the UKCA marking to place products on the GB market.

If steelwork contractors have previously obtained CE marking from a certification body that is a Notified Body operating under the CPR and based in the UK, on 1 January 2021 that certification body will be granted new UK Approved Body status. It will be listed on a new UK database on www.gov.uk.

UK Approved Bodies will be able to undertake assessments for UKCA marking for construction products that fall under UK designated standards.

After 1 January 2022, and if the certification body has become a UK Approved Body, the steelwork contractor must affix UKCA marking instead of CE marking to products that they place on the market. They do not have to be recertified until their usual recertification date.

UKCA marking

Constituent products

The UKCA marking is the UK product marking that will be used for goods being placed on the market in GB from 1 January 2021. It covers goods which previously required the CE marking. The change from CE marking to UKCA marking will be relatively straightforward. Goods can carry both the CE and UKCA markings so long as they are fully compliant with both UK and EU regulations.

The UKCA marking cannot be used for goods placed on the Northern Ireland market, which require the CE marking or CE and UKNI marking.

The UKCA marking demonstrates compliance with the appropriate designated standard for a product. All mainstream construction products are covered by UK designated standards and must therefore be UKCA marked.

A list of the relevant European harmonised standards and their equivalent UK designated standards is provided in the table on the right. Initially, the European harmonised standards and the UK designated standards will be the same. However, in the future, there may be the need to supplement the UK designated standards in some way so they continue to meet the requirements of the UK.

Fabricated structural steelwork

For fabricated structural steelwork, engineers, contractors and steelwork contractors will need to amend their specifications accordingly to require that only UKCA marked — or CE marked until 31 December 2021 — products are used on their projects.

The UK designated standard covering fabricated structural steelwork is BS EN 1090-1, which is the same as the current European harmonised standard. From 1 January 2021 all fabricated structural steelwork delivered to site must be UKCA marked — or CE marked until 31 December 2021 — against BS EN 1090-1.

BS EN 1090-1 gives *Requirements for Conformity Assessment of Structural Components*. It describes how manufacturers can demonstrate that the components they produce meet the declared performance characteristics — the structural characteristics which make them fit for their particular use and function.

BS EN 1090-2 gives *Technical Requirements for Steel Structures*. It specifies the requirements for the execution (fabrication and erection) of steel structures to ensure adequate levels of mechanical resistance and stability, serviceability and durability. It determines the performance characteristics

for components that the manufacturer must achieve and declare through the requirements of BS EN 1090-1.

BS EN 1090-3 gives *Technical Requirements for Aluminium Structures*. It specifies the requirements for the execution (fabrication and erection) of aluminium structures to ensure adequate levels of mechanical resistance and stability, serviceability and durability. It determines the performance characteristics for components that the manufacturer must achieve and declare through the requirements of BS EN 1090-1.

Product standards for UKCA and CE Marking		
	European Harmonised Standards	UK Designated Standards
Open sections	BS EN 10025-1	BS EN 10025-1
Hollow sections		
Hot finished	BS EN 10210-1	BS EN 10210-1
Cold formed welded	BS EN 10219-1	BS EN 10219-1
Plates	BS EN 10025-1	BS EN 10025-1
Structural bolts		
Non-preloaded structural bolting assemblies	BS EN 15048-1	BS EN 15048-1
High strength structural bolting assemblies for preloading	BS EN 14399-1	BS EN 14399-1
Fabricated structural steelwork	BS EN 1090-1	BS EN 1090-1

Note:

1. A full list of harmonised standards can be found on the EU's Nando website – ec.europa.eu/growth/tools-databases/nando/ The UK government will publish and maintain the list of these designated standards on a UK Database

How to use the UKCA marking

Size and shape



The size and shape of the UKCA Marking must comply with the general requirements given below:

- If the UKCA marking is reduced or enlarged, the letters must be in proportion to the official version
- The UKCA marking must be at least 5mm in height
- The UKCA marking must be visible, legible and from 1 January 2023 it must be permanently attached

The UKCA image can be downloaded here:

www.gov.uk/guidance/using-the-ukca-mark-from-1-january-2021

When, who, how?

For structural steelwork, the UKCA mark will be used and affixed in the same way as the CE mark was. This means that:

- UKCA marking must only be placed on a product by the manufacturer or the 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 affixing the UKCA marking

The rules for affixing the UKCA marking are set out in the Construction Products (Amendment etc.) (EU Exit) Regulations 2019, which state:

- The UKCA marking shall be affixed visible, legibly and indelibly to the construction product or to a label attached to it or to the packaging or to the accompanying documents
- The UKCA marking shall be followed by:

- The last two digits of the year it was first affixed (i.e. 19 for 2019)
- The name and registered address of the manufacturer or the identifying mark allowing identification of the name and address of the manufacturer
- The unique identification code of the product type
- The reference number of the declaration of performance
- The level or class of the performance declared
- The reference to the designated standard (i.e. BS EN 1090-1 for fabricated steelwork)
- The identification number of the Approved Body (obtained from the certification body)
- The intended use of the product as given in the designated standard

Further Information

Further information is available at www.steelconstruction.org (use the Steel Construction Certification Scheme TAB at the top of the page), or by emailing Stephen Lee Blackman, Director of Certification at sccs@steelconstruction.org