CE Marking, the PED and the impact of Brexit

GOODS PLACED ON THE MARKET BEFORE 2021

- If you have already placed an individual fully manufactured product on the EEA or the UK market (either in Northern Ireland or Great Britain) before 1 January 2021, you do not need to do anything new.
- These individual goods can continue to circulate on either market until they reach their end user and do not need to comply with the changes that took effect from 1 January 2021.

STATUS FROM 1 JANUARY 2021

- The UK has left the EU and the transition period ended on 31 December 2020.
- UK is no longer following the Pressure Equipment Directive (PED).
- UK is following Pressure Equipment (Safety) Regulations 2016 (PE(S)R) .
- Northern Ireland is aligned with EU rules (Northern Ireland Protocol)
- Some of the provisions apply differently in NI for as long as the Northern Ireland Protocol is in force

GB, UK AND NI

GREAT BRITAIN

England, Scotland and Wales

UNITED KINGDOM

Great Britain and Northern Ireland

GOODS IN STOCK IN GB WITH CE MARK

If your good was manufactured, assessed by a UK Notified Body, CE marked and ready to place on the EEA market before 1 January 2021, these goods now can only be placed on the GB market.

- Until 31 December 2021 you do not need to use the UKCA marking.
- From 1 January 2022 you will need to use the UKCA marking.

These products are not allowed to be placed on the EEA market.
(They would be had they been assessed by a EU Notified Body)

MODULE B CERTIFICATES

EU Type examination certificates issued by Notified Bodies can be used for UKCA marking until the end of 2021.
EU Type examination certificates issued by UK Notified Bodies can no longer be used for CE marking.

Type examination certificates issued by Approved Bodies (i.e. from 1st January 2021) cannot be used for CE marking.

DISTRIBUTORS BECOMING IMPORTERS

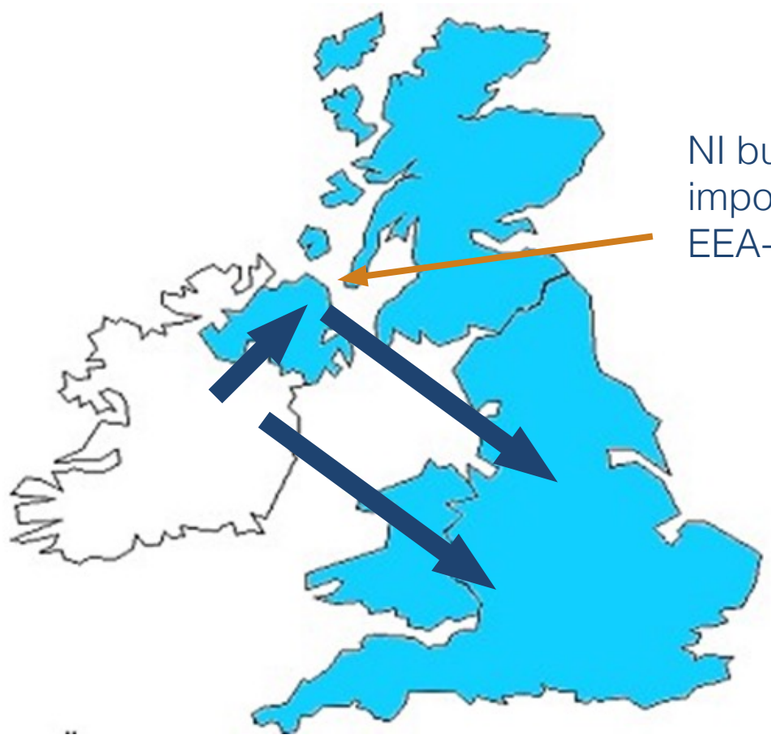
An importer places pressure equipment and assemblies on a market from a country outside of the market.
Businesses which used to act as a distributor may now become an importer.

For example: A UK business which was a distributor before the end of the transition period is now an importer if it places products from an EEA country on the GB market.
Importers have additional legal obligations which go beyond those of distributors.

2020

DISTRIBUTORS

2021



IMPORTERS

2020

2021

NI business placing a product from GB on the NI (or EEA) market does so as an importer, not as a distributor

DISTRIBUTORS

IMPORTERS

IMPORTERS

Obligations which Importers have, that Distributors do not, include:

- Checking that manufacturers have carried out conformity assessment
- Putting the importer's name, registered trade name or mark and a postal address on the equipment (or, where this is not possible, on its packaging or in accompanying documentation.)

Until 31 December 2022, importers from the EEA can provide their details on the accompanying documentation as an alternative to placing them on the product itself.
The EU does not have any such transitional provision.

AUTHORISED REPRESENTATIVES

May be appointed by the manufacturer in writing for certain limited tasks.

- An AR for the GB market must be based in the UK (i.e. in GB or NI)
- An AR for the NI market must be based in NI or the EEA
- An AR based in NI can carry out tasks on the manufacturer's behalf for products placed on the NI or EEA.

They are not currently mandatory.

- However, the Market Surveillance Regulation (MSR) will be in force on 16th July 2021 in the EEA.
- The introduction of MSR is not related to Brexit. But…
- Under the MSR, a manufacturer based outside the EU has to identify one of three types of economic operator (authorised representative, importer, fulfilment service provider).

TIMELINE FOR UKCA

2021
You can conformity assess for the UKCA marking.

FROM 1 JANUARY 2022
The UKCA will be need to be used for most goods from 1 January 2022

FROM 1 JANUARY 2023
The UKCA marking must, in most cases, be affixed directly to products.

ON 16 JULY 2021
Market Surveillance and Compliance of Products Regulation (EU) 2019/1020 comes into effect, which means manufacturers may need to appoint an EU representative if there is no other economic operator in place (when exporting to the EU and NI).

UNTIL 1 JANUARY 2023
For most goods, manufacturers can affix the UKCA marking on a label affixed to the product or on an accompanying document.

HARMONISED AND DESIGNATED STANDARDS

Harmonised standards give a presumption of conformity with Essential Safety Requirements in the PED.

Designated standards give a presumption of conformity with Essential Safety Requirements in the PE(S)R.

ESSENTIAL SAFETY REQUIREMENTS (ESR)

These can be found in:

- Annex I of the PED
- Schedule 2 of the PE(S)R

They are largely the same but there are some differences…

ESSENTIAL SAFETY REQUIREMENTS (ESR)

PED Annex I, ESR 4.3	PE(S)R Schedule 2, Paragraph 31(8)
Where a material manufacturer has an appropriate quality-assurance system, certified by a competent body established within the Union and having undergone a specific assessment for materials, certificates issued by the manufacturer are presumed to certify conformity with the relevant requirements of this point.	Where a material manufacturer has an appropriate quality-assurance system, certified by a competent body established in the United Kingdom and having undergone a specific assessment for materials, certificates issued by the manufacturer are presumed to certify conformity with the relevant requirements of this point.

Note 1: This only affects material manufacturers who issue EN10204 type 3.1 material certificates (or equivalent).
Note 2: Material manufacture certification of quality assurance provided by an EU body will still be accepted to satisfy the requirement in the UK of specific product control.

PERMANENT JOINTS (WELDING, BRAZING)

PED Annex I, ESR 3.1.2	PE(S)R Schedule 2, Paragraph 21
For pressure equipment in categories II, III and IV, operating procedures and personnel shall be approved by a competent third party which, at the manufacturer's discretion, may be: A Notified Body, An EU RPTO	For pressure equipment in categories II, III and IV, operating procedures and personnel shall be approved by a competent third party which, at the manufacturer's discretion, may be: An Approved Body, An UK RPTO

Note: Dual certification of procedures and personnel is possible by appointing both a EU body and UK body.

NDT PERSONNEL

PED Annex I, ESR 3.1.3	PE(S)R Schedule 2, Paragraph 22
For pressure equipment, non-destructive tests of permanent joints shall be carried out by suitable qualified personnel. For pressure equipment in categories III and IV, the personnel shall be approved by an EU RTPO.	For pressure equipment, non-destructive tests of permanent joints shall be carried out by suitable qualified personnel. For pressure equipment in categories III and IV, the personnel shall be approved by a UK RTPO.

Note: Dual certification of personnel is possible by appointing both a EU and UK RTPO.

MARKING

PED Annex I, ESR 3.3	PE(S)R Schedule 2, Paragraph 29
CE	UK CA

DECLARATION OF CONFORMITY

PED Annex IV	PE(S)R Schedule 11
'EU' 'Union harmonisation legislation' 'harmonised' 'notified'	Remove 'EU' 'statutory requirements' 'designated' 'approved'

GLOBAL CONFORMITY ASSESSMENT

PED Article 14(6)(a)	PE(S)R Regulation 45(a)
The assessment of each item of pressure equipment making up the assembly and referred to in Article 4(1) which has not been previously subjected to a conformity assessment procedure and to a separate CE marking; the assessment procedure shall be determined by the category of each item of equipment;	The assessment (the procedure for which is to be determined by the category of each item) of each item of pressure equipment making up the assembly and referred to in regulation 6 which has not been previously subjected to a conformity assessment procedure and to a separate UK marking;

FURTHER SOURCES

- PED: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0068&from=EN
- Blue Guide: https://ec.europa.eu/growth/content/%E2%80%98blue-guide%E2%80%99-implementation-eu-product-rules-0_en
- Harmonised standards list: https://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/pressure-equipment_en
- PES(R): https://www.legislation.gov.uk/uksi/2016/1105/contents *(Note: the text is not yet fully updated.)*
- UK Government's guidance for Pressure Equipment supplied in or into GB or NI: https://www.gov.uk/government/publications/pressure-equipment-safety-regulations-2016
- Designated standards list: https://www.gov.uk/government/publications/designated-standards-pressure-equipment
- Qualifying Northern Ireland goods: https://www.gov.uk/guidance/moving-qualifying-goods-from-northern-ireland-to-the-rest-of-the-uk