

CE and UKCA marking after 31 December 2020

Part 4 of 5 – Moving goods from GB to Northern Ireland



General introduction

This is one of a series of guidance papers about the introduction of the UKCA (UK Conformity Assessed) mark and the UKNI mark. Other documents in this series are:

Part 1 - Moving goods from the EU 27 to GB

Part 2 - Moving good from GB to the EU 27

Part 3 - Placing goods manufactured in the UK on the GB market

The Northern Ireland Protocol and the UKNI mark are covered in this paper and also in:

Part 5 - Goods manufactured in Northern Ireland

The Northern Ireland Protocol is intended to avoid a hard border between Northern Ireland and the Republic of Ireland whilst ensuring unfettered access to the UK market for businesses in Northern Ireland. The legal responsibilities of manufacturers in GB supplying the Northern Ireland market will continue largely unchanged in that products must continue to comply with EU rules (including applying the CE mark). An importer will, however, have to be identified, who must be established in Northern Ireland, the EU 27 or elsewhere in the EEA¹.

The CE mark will continue to be recognised in Northern Ireland for the foreseeable future. The UKCA mark will not be recognised but there is no objection in principle to both marks appearing on a product, providing that they are clearly separate and no confusion results.

The UKNI mark must only be used alongside the CE mark and only then if a compulsory conformity assessment has been carried out by a UK body.

Duties of importers

If goods are brought into Northern Ireland from Great Britain or anywhere else outside the EEA, an **importer** must be identified. The individual or company concerned must be established in Northern Ireland or the EEA. The importer must make sure that:

- The product is labelled with the importer's contact details
- The GB manufacturer has carried out the correct conformity procedures, including marking and technical documentation.

¹ The European Economic Area (EEA) comprises the EU 27 plus Norway, Iceland and Liechtenstein

- The importer retains Copies of Declarations of Performance and Declarations of Conformity for ten years.

Duties of manufacturers

Notified bodies and UK approved bodies

If your goods are subject to mandatory **third-party conformity assessment**², note that, after 31 December 2020, UK notified body certificates will no longer be recognised for normal CE marking. If this affects you, you can either arrange to transfer your certification files to an EU 27 notified body (to permit continued CE marking) or you can use the UK certification to support the **UKNI mark**. This mark indicates that the accompanying CE mark is recognised **only in Northern Ireland** because it is based on a UK certificate. This is permitted because of the special status of Northern Ireland under the Protocol. As mentioned above, the **UKNI mark must only be used in association with a CE mark and never alone**.

If your CE marking from 1 January 2021 will rely on certification by an **EU 27 notified body**³, you can continue to use CE marking normally (i.e. **without the UKNI mark**). Your CE mark will be recognised in Northern Ireland and throughout the EEA (including the Republic of Ireland).

For goods **not** requiring third party conformity assessment by a notified or UK approved body, you can continue to apply the CE mark as before, by self-declaration. You will **not** need to use the UKNI mark. Your CE mark will be recognised in Northern Ireland and throughout the EEA (including the Republic of Ireland).

There is nothing wrong with applying both CE and UKCA markings if your product meets both sets of requirements, provided that the markings are clearly separated and do not cause confusion.

Goods covered by the Construction Products Regulation (EU) 305/2011

AVCP system 1 (third party certification), including the following products and harmonised standards:

1. Fire/smoke-resisting external doorsets EN 16034:2014 plus EN 14351-1:2006+A2:2016
2. Fire/smoke-resisting industrial doors EN 16034:2014 plus EN 13241:2003+A2:2016
3. Emergency escape external doorsets EN 14351-1:2006+A2:2016
4. Emergency exit devices EN 179:2008
5. Panic exit devices EN 1125:2008
6. Door closers EN 1154:1996+A1:2002+AC:2006
7. Hold-open devices EN 1155:1997+A1:2002+AC:2006
8. Door co-ordinators EN 1158:1997+A1:2002+AC:2006
9. Single-axis hinges EN 1935:2002+AC:2003
10. Mechanically operated single point locks & latches EN 12209:2003+AC:2005
11. Electromechanical locks & strikes EN 14846:2008

CE marking for system 1 products supported by certificates issued by notified product certification bodies in the EU 27, will continue to be accepted for products placed on the NI market for the foreseeable future. It will also be accepted in the Republic of Ireland and the rest of the EEA.

² This general term applies to the **certification** activity carried out by “notified” or “approved” bodies to confirm that a product conforms with an EU directive/regulation or equivalent UK legislation. It includes, for example, ACVP system 1 under CPR and the EC type examination under the MD. The product types affected are printed in **red** in this list.

³ Notified bodies are test or certification bodies recognised by the European Commission for carrying out tasks in connection with EU directives and regulations. UK approved bodies perform equivalent tasks under UK legislation.

If your CE marking of any of these products after 31 December 2020 will be based on certification by a UK body, the CE mark **must** be accompanied by a UKNI mark, indicating the mark is recognised **only in Northern Ireland** because it is based on UK certification. The alternative is to transfer the certification files to an EU 27 notified body and proceed as in the previous paragraph.

AVCP system 3 (third-party test), including the following products and harmonised standards:

1. External doorsets (without fire/smoke characteristics) EN 14351-1:2006+A2:2016
2. Industrial and garage doors (without fire/smoke characteristics) EN 13241:2003+A2:2016

In principle, notified test laboratory reports dated prior to the end of the transition period (31 December 2020) should remain valid for CE marking wherever they were carried out, **but this remains to be confirmed**. This applies both to test reports on complete doors and to component tests to support Article 36 “cascaded evidence”.

If further testing is required (e.g. for new products after 31 December 2020), test reports from EU 27 notified laboratories will be required to support normal CE marking, while test reports from UK approved laboratories can be used in support of CE plus UKNI marking, recognised only in NI.

Goods covered by the Machinery Directive 2006

Except for machinery listed in Annex iv of the Machinery Directive, machinery does **not** require mandatory third-party conformity assessment. Consequently, the lack of mutual recognition between UK and EU 27 on conformity assessment bodies will not affect the conformity marking of complete powered doors and gates under the Machinery Directive. You may therefore apply CE, or both CE and UKCA marks if you wish, based on your own conformity assessment procedures (self-declaration). You should **not** apply the UKNI mark. Annex iv does, however, cover certain safety components when they are sold, and CE marked, separately; among these are:

- Protective devices designed to detect the presence of persons
- Logic units to ensure safety functions

These require CE marking. You may, if the component complies with a harmonised standard, choose to assess the conformity of the product yourself (self-declaration) or, if no harmonised standard is applicable, use a notified body to carry out the **EC type-examination**.

If you use an EU-based notified body for the EC type-examination, then CE marking can continue as before for goods placed on the Northern Ireland market. You will not need the UKNI mark. The CE mark will also be recognised in EU 27 countries, including the Republic of Ireland.

If your Machinery Directive CE marking is based on an EC type-examination by a UK notified body, and you have no plans to change this after 31 December 2020, then you can continue to CE mark for the Northern Ireland market but you **must** apply the UKNI mark alongside the CE mark. This mark will **only be recognised in Northern Ireland**.

Products CE marked by self-declaration will **not** need the UKNI mark and the CE mark will be recognised in Northern Ireland as well as in the EU 27, including the Republic of Ireland.

Summary – moving goods from GB to NI

CE status today	Change needed	When?	Why?	Notes
Goods requiring third party conformity assessment - UK notified body	Appoint importer in NI or EEA Apply UKNI mark, adjacent to CE mark	01 Jan 21	Certificates from UK notified body no longer valid for “normal” CE marking after 31 Dec 20	THIS CE MARK IS RECOGNISED ONLY IN NORTHERN IRELAND
Goods requiring third party conformity assessment - EU 27 notified body	Appoint importer in NI or EEA	01 Jan 21	CE marking continues to be recognised indefinitely in NI	CE mark also recognised in EEA, including Republic of Ireland
Goods not requiring conformity assessment by a notified body (self-declaration)	Appoint importer in NI or EEA	01 Jan 21	CE marking continues to be recognised indefinitely in NI	CE mark also recognised in EEA, including Republic of Ireland

Case studies

Powered perimeter gate or traffic barrier exported from GB to NI

An importer based in NI or in the EEA must be identified and their details must appear either on the gate or, if this is not possible, on accompanying documents. The importer’s duties are outlined under “Duties of importers” on page 1 of this document.

Check that the gate is CE marked and is being supplied with the correct Declaration of Conformity (DoC), required by the Machinery Directive 2006/42/EC. Since the Machinery Directive allows conformity of powered gates to be assessed without the involvement of a notified body (i.e. by self-declaration), no change to the current documentation is required. **You should not apply the UKNI mark.** The UKCA mark can be applied in addition to the CE mark, provided that the marks are kept separate and no confusion results; the UKCA mark will, however, not be recognised in Northern Ireland.

Industrial or garage door exported from GB to NI

An “importer” based in NI or in the EEA must be identified and the importer’s name, trade name and contact details must either appear on the door or, if this is not possible, on documents accompanying the door. The importer’s duties are outlined under “Duties of importers” on page 1 of this document.

- Check that the door has the CE marking and the Declaration of Performance (DoP) required by the Construction Products Directive (EU) 305/2011.
- For CPR system 3 characteristics, it is hoped that test reports from UK notified test laboratories issued up to 31 December 2020 will remain valid, notwithstanding the laboratory’s subsequent

change in status. However, this has yet to be confirmed. Test reports required after this date will need to be obtained from EU 27 notified test laboratories.

- For any CPR system 1 characteristics (fire and smoke), a **certificate of constancy of performance is required**, from a notified product certification body. If the body in question is based in the UK, it will lose its notified status after 31 December 2020 and any existing certificates will no longer be valid for normal CE marking purposes. Certification files can be transferred to an EU 27 notified body, which can issue new certificates to enable CE certification to continue without interruption. Many UK notified bodies have established subsidiaries in the EU 27 to facilitate this process.
 - If, from 1 January 2021, certification is carried out by an EU 27 notified body, the fire/smoke door can be CE marked as before. **You should not apply the UKNI mark.**
 - If certification is carried out by a **UK approved body** from 1 January 2021, you can still apply the CE mark for the NI market only, but only **with the UKNI mark beside it.**
- For powered doors, check that the door is being supplied with the correct Declaration of Conformity (DoC), required by the Machinery Directive 2006/42/EC. Since the Machinery Directive allows conformity of powered doors to be assessed without the involvement of a notified body (i.e. by self-declaration), no change to the current documentation is required.

External doorsets exported from GB to NI

An “importer” based in NI or in the EEA must be identified and the importer’s name, trade name and contact details must either appear on the door or, if this is not possible, on documents accompanying the door. The importer’s duties are outlined under “Duties of importers” on page 1 of this document.

- Check that the doorset has the CE marking and the Declaration of Performance (DoP) required by the Construction Products Directive (EU) 305/2011.
- For CPR system 3 characteristics, it is hoped that test reports from UK notified test laboratories issued up to 31 December 2020 will remain valid, notwithstanding the laboratory’s subsequent change in status. However, this has yet to be confirmed. Test reports required after this date will need to be obtained from EU 27 notified test laboratories.
- For any CPR system 1 characteristics (fire and smoke), a **certificate of constancy of performance is required**, from a notified product certification body. If the body in question is based in the UK, it will lose its notified status after 31 December 2020 and any existing certificates will no longer be valid for normal CE marking purposes. Certification files can be transferred to an EU 27 notified body, which can issue new certificates to enable CE certification to continue without interruption. Many UK notified bodies have established subsidiaries in the EU 27 to facilitate this process.
 - If, from 1 January 2021, certification is carried out by an EU 27 notified body, the fire/smoke doorset can be CE marked as before. **You should not apply the UKNI mark.**
 - If certification is carried out by a UK approved body from 1 January 2021, you can still apply the CE mark for the NI market only, but only **with the UKNI mark beside it.**

Controlled door-closing devices exported from GB to NI

An “importer” based in NI or in the EEA must be identified and the importer’s name, trade name and contact details must either appear on the door or, if this is not possible, on documents accompanying the door. The importer’s duties are outlined under “Duties of importers” on page 1 of this document.

- Check that the closer has the CE marking and the Declaration of Performance (DoP) required by the Construction Products Directive (EU) 305/2011.
- For CPR system 1 characteristics (fire and smoke), a **certificate of constancy of performance is required**, from a notified product certification body. If the body in question is based in the UK, it will lose its notified status after 31 December 2020 and any existing certificates will no longer be valid for normal CE marking purposes. Certification files can be transferred to an EU 27 notified

body, which can issue new certificates to enable CE certification to continue without interruption.

Many UK notified bodies have established subsidiaries in the EU 27 to facilitate this process.

- If, from 1 January 2021, certification is carried out by an EU 27 notified body, the door closer can be CE marked as before. **You should not apply the UKNI mark.**
- If certification is carried out by a UK approved body from 1 January 2021, you can still apply the CE mark for the NI market only, but only **with the UKNI mark beside it.**
- Where the closer is supplied to, for example, a fire doorset manufacturer with cascaded test evidence under CPR Article 36, the doorset manufacturer's notified body will be responsible for determining the acceptability of the cascaded evidence.



Contact us for more information

Email: info@dhfonline.org.uk

Telephone: (0)1827 52337

Address: **dhf** The Barn, Shuttington Fields Farm, Main Road, Shuttington B79 0HA

© Copyright **dhf** (Door & Hardware Federation) 2020

No part of this publication may be reproduced in any form without the prior permission in writing from dhf. E&OE