



# BA GUIDE:

## Brexit - product safety and the UKCA mark

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# Welcome

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# Introduction

**This BA Guide covers two key aspects for the cycle industry of the UK's departure from the EU:**

- 1 How Brexit affects UK product safety regulations, standards and compliance.
- 2 How the new UKCA mark will replace the CE mark on certain goods, including e-bikes.



# Product safety and standards

Product safety in the UK has a legal underpinning which, currently, is essentially inherited from the EU. European product safety Directives were implemented into UK law while the UK was an EU member, and the UK's legal implementations of these EU Directives continue to apply in Great Britain (i.e. all parts of the United Kingdom except Northern Ireland) after Brexit with just minor amendments.

Some EU Regulations (which had direct effect in UK law while the UK was an EU member state) were also brought into UK law on the 1st Jan 2021, again with just minor amendments.

The amendments to all of these laws generally just remove EU references and replace them with references to Great Britain. They also implement the change (in Great Britain) to using the UKCA mark instead of the CE mark, as below.

Detailed official guidance on the post-Brexit product safety regulations [is available here](#).

Links from there also cover the situation in Northern Ireland, where EU product safety regulations continue to apply via NI-specific domestic regulations which exactly mirror the existing EU rules.

The technical requirements for products under the GB and NI Regulations are currently exactly the same as in the rest of the EU rules. But it's possible the two systems will diverge in future.

For products such as bikes and e-bikes, conformity (i.e. product safety) remains a self-declaration process, just as under EU rules. For other higher-risk items, testing by formally approved labs ("notified bodies") is required, and again the items subject to this in post-Brexit GB are currently exactly the same as they were while the UK was part of the EU.

For Great Britain, EU harmonised standards have been renamed "[designated standards](#)" and they confer the same presumption of conformity.

So, for example, the e-bike standard EN 15194:2017 is harmonised for the Machinery Directive in the EU (and Northern Ireland). In Great Britain, it is referred to as BS EN 15194:2017 and is a "designated standard" for the Supply of Machinery (Safety) Regulations, which is the GB implementation of the Machinery Directive.

It will continue to be widely used by e-bike suppliers in both UK and EU territories.

# Product safety and standards

## 2.1 Standards development – UK participation

The BA funds expert UK participation in standards development at BSI (the UK standards body), CEN (the European organisation) and ISO (where world standards are developed).

Following Brexit, activities with BSI and ISO are unaffected, and UK experts can also continue to work at CEN indefinitely, following a review the CEN statutes.

[BSI has full details of UK post-Brexit participation at CEN here](#)





# The UKCA mark

## OVERVIEW

Now that the UK has left the EU, it intends to use its own mark, UKCA, to replace the EU's CE compliance mark, for goods placed on the market in Great Britain (i.e. all parts of the United Kingdom except Northern Ireland). The main page of Government guidance on this is here: [gov.uk/guidance/using-the-ukca-marking](https://www.gov.uk/guidance/using-the-ukca-marking)

The CE mark is a declaration by the manufacturer that the product complies with all relevant EU safety legislation. The UKCA mark has the same function – to declare the product's compliance with all relevant GB product safety laws.

Only certain categories of goods (e.g. machinery, electrical items) need the mark. It must not be used otherwise.

For the cycle industry, affected products are those which to date have used the CE mark, including e-bikes, helmets, electrical P&A such as lights, computers, turbo trainers, etc. Also, aerosol dispensers and measuring container bottles which previously used the reverse epsilon mark will need to use the UKCA mark in future.

### Don't panic!

Suppliers of goods to be placed on the UK market (with very few exceptions) will be able to carry on using the CE mark just as before, until the end of December 2022 (the deadline was previously end of December 2021, but this was changed on the 24th August 2021). Only from January 2023 will the UKCA mark become compulsory for goods placed on the GB market.

So there's no mad rush and it's basically a paperwork and labelling change for now. Only if GB and EU rules diverge will there potentially be significant extra work (mostly for manufacturers) to comply with both systems.

Extra considerations apply for some PPE (e.g. cycle helmets) or other items for which notified body testing is required. Separate BA guidance on this is available to member companies.

Different rules apply for placing goods on the market in Northern Ireland. Generally the CE mark can continue to be used indefinitely, but suppliers to Northern Ireland of products requiring notified body testing should check guidance carefully or join the BA for further advice.

# The UKCA mark

## 3.1 UKCA mark – details for suppliers

As well as applying the UKCA mark where appropriate, the manufacturer must also draw up a UK Declaration of Conformity. This is very similar to the EU Declaration of Conformity which manufacturers will be familiar with (and already have for existing CE marked products).

There are some differences though: the main one is that the UKCA DoC must reference GB legislation complied with, rather than the relevant EU Directives.

The BA guidance circulated to member companies provides details and templates for both CE and UKCA Declarations of Conformity for e-bikes.

If a product is sold in both GB and EU markets, it is no problem to use CE and UKCA markings side by side – and the manufacturer would then need to create separate Declarations of Conformity for both systems, too. If GB and EU rules do eventually diverge, manufacturers would need to ensure both sets of requirements are met if they wish to continue to apply both marks.





# THANK YOU!