



Brexit and GAS and Solid Fuel Products

It should be noted that the following Q&A are based upon an interpretation of the currently proposed regulations by Kiwa Ltd. Many of the documents are still unclear regarding the technical detail, for example the requirements concerning gas 'fittings' within appliances and some still requires parliamentary approval, especially regarding Northern Ireland.

Kiwa Ltd can thus accept no liability whatsoever regarding the future acceptability of its certificates by any statutory body or organisation. An importer or exporter should confirm that the paperwork supplied with any product is fully compliant. Kiwa Ltd recommends this is carried out before shipment of product.

Q&A: Regularly Asked Questions- Product Certification after a 'No deal Brexit'.

All related questions should be directed to uk.service@kiwa.com

The position of Notified Bodies/UK Approved Bodies in 2020 and 2021

From 1st January 2021, UK-based Notified Bodies will be re-named as UK Approved Bodies. They will be the only approved bodies to issue the UKCA into the UK market. As part of this change, they will no longer be recognised in the eyes of Europe with Notified Status on the NANDO website after the 1st Jan 2021. However, their function is not changed; they will continue to assess the conformity of certain products before those products are placed on the UK market, carrying out tasks related to conformity assessment procedures set out in the applicable legislation, when a third party is required. Once all the criteria have been met for UKCA Marking (formerly CE Marking), the UK Approved Body will provide evidence in support of a declaration of conformity, or complete a Certification Process (where relevant), allowing manufacturers to complete the affixing of a UKCA mark to the product.

Kiwa in the UK has business areas that are Notified Bodies (and so soon to be UK Approved Bodies) for a variety of products – such as the Gas Appliance Regulation (GAR) and Construction Products Directive (CPR).

Kiwa in the UK is part of the global Kiwa organisation. Kiwa already has Europe-based Notified Bodies for a wide variety of directives and regulations, in addition to the BED, GAR and CPR. Please talk to us in relation to your particular requirements and we would be happy to help.

This means we can continue to deliver access to the EU market through the Kiwa organisation.



Where our customers manufacture products for the European market, we can transfer your certificates to an alternative Kiwa Notified Laboratory so they can issue the appropriate documentation. For customers manufacturing products for the UK market, Kiwa in the UK will continue to administer your EC Declarations of Conformity.

UKCA – What is it?

The UKCA (UK Conformity Assessed) symbol will replace the existing CE safety mark in the UK market from the 1st Jan 2021. The UKCA mark is only applicable to the UK market. To use the UKCA logo, companies must change their packaging and advertising.

What is the likely length of the Brexit transition period?

If there is no deal between the UK and Europe by 31st December 2020, there will be no transition period. If a late deal is reached, the transition period will depend upon the deal agreed between the UK Government and the EU. Equally the nature of this deal may have an impact of the requirements of certain products placed on certain markets.

If I have a EC Certificate today, will my EC Certificate Number stay the same?

Today your certificate number includes the number of the Notified Body/UK Approved Body (which will be the same) so if your certificate is novated to the Netherlands part of the number will change from '0558' (Kiwa UK Approved Body) to '0063' (Kiwa Netherlands Notified Body).

If your certificate doesn't contain the notified body number, the certificate number will stay the same. For CE certificates entering the UK market for Gas and Solid Fuel Products there will be a 12 month transition period for moves to UKCA marking to the 1st Jan 2022. For UK CE Certificates these will need to be updated from the 1st Jan 2021 to UKCA certificates and for export products, the certificates held by a UK Notified Body transferred to an alternative European Notified Body.

How much will it cost to transfer my certificates to Kiwa Netherlands?

A small administration fee applies for the transfer, which is charged for time to transfer relevant documentation only, in line with relevant approvals bodies such as RVA/UKAS. All existing EC certificates within the scope of our notification will be transferred in this way.



What is the cost of keeping my certificate with Kiwa UK?

As above a small administration charge is applied to move all documentation from UK CE to UKCA. Beyond this there is no charge for remaining with the Kiwa UK Approved Body.

If you require both the UK and the Netherlands certificates, you will be charged a nominal amount to cover the additional contract work. Going forward, the clear benefit of Kiwa is that we will endeavour to combine all necessary type testing and audit work in order to rationalise total costs, and therefore reduce/remove the need for secondary work.

After a request for transfer - only some of my certificates might be transferred to the Kiwa Netherlands Notified Body and/or Kiwa UK?

The transfer is at your request. The range of standards covered by the Kiwa UK Approved Body and the Kiwa Netherlands Notified Body is different. Our Kiwa Netherlands laboratories have applied for a number of extensions to scope to accommodate variances and vice-versa.

Your current certification from Kiwa UK will need to be transferred to UKCA for sales into the UK market. Where an extension to scope is required for your certificates to be transferred, as soon as this extension has been granted we will contact you to finalise the movement of those certificates.

Does my certificate number change for products already on the market?

If the product was placed on the market before the issue of a certificate, then the original certificate number should be used. If the product is placed on the market after the certificate is moved to an alternative Notified Body/Approved Body, then the new number should be used.

My products are already in the distribution chain on 1st January 2021- what should I do?

These Products are viewed as on the EU market before the withdrawal date and can remain available in the EU marketplace with no need for re-certification, re-labelling or modification. There is an obligation to appoint a new 'responsible person' established in the EU-27 where the current 'responsible person' is UK-based.

What happens if my products are already in use in the EU on 1st January 2021?

Such products are viewed as in use on the EU market before the withdrawal date and can remain in use with no need for re-certification, re-labelling or modification. This is



without prejudice to the obligation to appoint a new 'responsible person' established in the EU-27 where the current 'responsible person' is UK-based.

What about products produced either in the EU or in another country, subsequently sold to an EU customer before 1st January 2021 after the manufacturing stage was completed but not yet delivered to the customer?

These products are viewed as in use on the EU market before the withdrawal date and can remain in use with no need for re-certification, re-labelling or modification, because the date of the transaction between the manufacturer and the EU customer after the manufacturing stage was completed is prior to 1st January 2021.

What happens about products imported into the UK from a third country or manufactured in the UK, subsequently sold to an EU customer before 1st January 2021 but delivered to the EU customer after that date?

Such products are viewed as 'in use' on the EU market before the withdrawal date and can remain in use with no need for re-certification, re-labelling or modification, because the date of the transaction between the manufacturer/importer/distributor and the EU customer after the manufacturing stage was completed is prior to 1st January 2021.

What about products imported into the UK from a third country or manufactured in the UK before the withdrawal date, subsequently sold to an EU customer after the withdrawal date.

In both examples, the goods are placed on the EU market after 1st January 2021 ie they are first made available to the EU customer after the withdrawal date. The goods are imports from a third country and will have to fully comply with the provisions of EU law applicable at the time they were placed on the market. Therefore, the goods will need to have been certified by an EU-based Notified Body, where a third-party intervention in their conformity assessment is required. They will also have to indicate the details of the EU importer and of an EU 'responsible person'.

What about selling my products into the Republic of Ireland?

After 1st January 2021, products sold by a UK manufacturer into the Republic of Ireland will need to meet the CE marking requirements, issued by a European Notified Body.

For products manufactured by a Republic of Ireland manufacturer, destined for the European market, CE marking supported by an EU Notified Body is required.



For products manufactured by a Republic of Ireland manufacturer, destined for the UK market, UKCA marking supported by a UK Approved Body is required, and will need to follow the processes outlined above.

If I would like to sell my products into Northern Ireland or sell from Northern Ireland, what should I do?

You need to use a conformity mark if you are placing certain products on the Northern Ireland market. After the end of the transition period, the CE mark will continue to be the conformity assessment mark for most products, to show they meet EU rules. You may also need to apply the UK(NI) mark if you choose to use UK bodies for approvals or certification.

Any conformity mark held by a Northern Ireland business which validates the goods for sale on the Northern Ireland market will be valid for the whole of the UK market.

If you are a Northern Ireland business and you currently mark your products on the basis of self-certification, you will not need to make any changes. Your products will continue to be valid on the UK and EU markets.

If your products require any mandatory third-party conformity assessment, or if you use a third-party conformity assessment body even where it is not mandatory, you can use either a UK notified body or an EU notified body to test against EU rules.

Depending on which you choose, your goods may require additional marking and will be valid for different markets:

If you choose to use an EU body, you will apply only the relevant EU conformity mark, usually the CE mark. Your good will be valid for the UK market, and the whole of the EU market.

If you choose to use a UK-recognised body, you will apply only the relevant EU conformity mark, usually the CE mark, plus an additional UK(NI) mark. Check the UK(NI) mark rules which will be published shortly to find out what you need to do. Your good will be valid for the UK market, but cannot be placed on the EU market. This is because the results of mandatory conformity assessments carried out by UK-recognised conformity assessment bodies will not be recognised in the EU.

What are transition options to clients falling under the Kiwa Notified Body scope both in the UK and NL?

1. You accept the need to transition to the Kiwa Netherlands Notified Body. After an application process, and small administration fee you will receive an EC Declaration of Conformity Certificate that supports your CE mark and will allow you to sell into the EU, EEA. You will also after the transfer to UKCA be able to sell into the UK market.



2. You decline the transition and stay with the Kiwa UK Approved Body. You will need to complete an application process, and complete the relevant documentation review to receive a UKCA certificate to support your UKCA marking, where required. Some products which are self-declared will not require additional certification to be produced in support of applying UKCA marking.

Please speak with Kiwa to help you follow the right route for your products. This is a complex field and we are here to help you.

Will my products need to be re-tested?

If you transfer from Kiwa UK to the Kiwa Netherlands Notified Body then previous test work will be accepted and no re-test is required. Subject to the final Brexit agreement this may change, yet at the time of writing this is not anticipated.

Please contact Kiwa on 01242 677877 uk.service@kiwa.com – we are here to help.

For more information see [these links](#) to the Government's advice.