

30th January 2023

Submitted via email to: William Bain via w.bain@britishchambers.org.uk

To whom it may concern

Conforming Assessments & Markings on Industrial & Electrical Goods

We thank you for the invitation to respond to your consultation on Conforming assessments & Markings on Industrial & Electrical Goods. Our representations are submitted on behalf of Thames Valley Chamber of Commerce (TVCC).

Our response has been developed and prepared in consultation with our membership through the Business Manifesto and via direct engagement with selected members.

On behalf of the Thames Valley Chamber of Commerce and our membership we thank you for this opportunity.

We commend the efforts of the British Chambers of Commerce (BCC) to progress this matter and are pleased to have the opportunity to feed into submissions that you will make. Our members comments and feedback are outlined as follows.

1. Impact on business and supply chains in the short, medium and long term

Overarching view:

The 'Conforming assessments & Markings on Industrial & Electrical Goods' is, in the general feedback from our members consulted, potentially an important and substantial barrier to trade.

For the products that some members produce, the CE & UKCA requirements are currently 99.9% identical. The only real difference is the compliance mark, product address and extra Declaration of Conformity – this alone leads to a substantial increase in cost / workload as products, labels, literature, websites etc all have to be updated.

If either the EU or UK change their directives/regulations or standards the workload will suddenly increase (possibly double). This is a scenario which members would like to avoid. Continuing to comply with EU product regulations/standards would be far preferable to having two sets to comply with. In addition, there could easily be a situation where it is impossible to comply with both the different future EU & UK requirements on one product, thus requiring different product versions for the different markets, leading to even more cost.

Short term:

A lot of additional effort was and still is spent on ensuring compliance with UKCA requirements. For some products the activity is limited to document work, for others duplication of testing and certification is necessary. Additional marking of UKCA and UK importer on the product will require redesign of labels and plates and in some cases even of complete parts/products.

The additional delay granted by BEIS (August 2021 and November 2022) was welcome but comes too late for manufacturers who did not want to take a risk and have prepared for UKCA compliance in line with the TCA dates.

The uncertainty on the requirements for spare parts has required a lot of additional effort to make sure that parts would comply with UKCA. For parts that could not comply, additional warehousing, inventory and transport had to be arranged. Again, the final interpretation on spare parts is welcomed, but came too late for those manufacturers not willing to take any risk.

Medium term:

The additional effort for UKCA compliance continues although with less urgency as for new products the marking and documentation can be taken into account from the beginning. This situation will change drastically if ever UK and EU requirements would start to differ.

Additional effort remains necessary to identify spare parts in accordance with the requirements complied with by the products that needs repair.

Long term:

We foresee the same level of effort as in the medium term as long as EU and UK requirements remain aligned. If UK requirements start to differ, assessment on unique designs for the UK is necessary. This will lead to additional cost for design, certification, logistics and spare parts. In some cases it will mean that there will be no UK specification as the market size will not give an acceptable ROI.

2. Retaining CE Marking

Please see our previous open letter submission relating to CE Marks [HERE](#)¹ (2020) and BCC response [HERE](#)² (2021). Members would be happy if both the UKCA mark and the CE mark were acceptable in the UK on a permanent basis. That would mean that UK-only businesses could use the UKCA mark if they wish, but those that sell in the UK and the EU could just use the CE mark as we always used to. That way, even if the product regulations/standards did diverge in future, those companies selling into both markets could just choose to follow the CE marking rules.

¹ https://www.thamesvalleychamber.co.uk/wp-content/uploads/2020/07/29-07-2020_BCC_CE-Mark_call-for-update_final_SoS-BEIS.pdf

² <https://www.britishchambers.org.uk/news/2021/08/announcement-of-extension-of-ce-marking-easement-bcc-reaction>

Allowing testing in the UK to EU standards and testing in the EU to UK standards would also be sensible and would make dealing with a dual set of rules easier, both for exporters and importers.

Ideally, the UK should recognise the CE marking as the sign of compliance with UK requirements. This can best be done if EU and UK requirements remain aligned, something that we strongly advocate. In case of deviating requirements, CE marking should still be accepted to cover the UK requirements (on condition they are not contradictory to the EU ones).

3. Extending the 'runway' beyond 2024

Extending the period for which the CE mark is acceptable in the UK would certainly help, but ultimately does not solve the problem.

Any change in requirements should come with suitable transitional periods to ensure that manufacturers can adapt (existing) designs and that authorities (test houses) have the necessary capacity to test and certify.

We need a better solution. This shouldn't be the way properly functioning markets work.

4. Maintaining a mutual recognition of conformity assessment?

The current situation is "half mutual" as the UK will continue to recognise the CE mark (for a while at least); however, we doubt the EU would ever recognise the UKCA mark, especially when directives / regulations or standards diverge.

The Government needs to either negotiate mutual recognition or accept CE marks in perpetuity. If they don't, products will slowly but surely be removed from the UK market because it will prove administratively and financially burdensome to twin track and there is insufficient capacity within current Approved bodies to do the work that would be required. SMEs are unlikely to get an Approved body to work on registrations because there isn't the capacity and Government are doing nothing to increase that capacity.

The prerequisite is (near) identical requirements. One test and set of documents should be sufficient to cover both EU and UK. This should also apply to conformity of production procedures. If no mutual recognition is possible (for political reasons) at least the requirements should stay as closely aligned as possible.

5. Remaining in alignment with core product rules (from within the EU system) aka as the Suisse and Turkey economies presently operate which also allow, for example, testing in the UK to EU standards and testing in the EU to UK standards?

Members feel that deviating requirements is the main obstacle to industry as it requires different product specifications and additional unnecessary activity for certification logistics, spare parts, and more. The principle of "tested once, accepted everywhere" should apply to guarantee smooth connections between EU and UK markets.

6. Additional comments

A number of members with expert knowledge on this matter are willing to provide further input and to participate in meetings with BEIS. Please confirm who would be best for us to contact in this regard.

We commend our comments to the BCC and look forward to hearing of progress.

We look forward to an opportunity of discussing these representations with you and your professional colleagues in more detail in due course.

Finally, we offer the open invitation to engage our members and update the business community in our membership of progress and implementation. We would emphasise that a number of members have made clear their strong desire to engage with BEIS in their deliberations, to expand on and explain their comments within this submission – your facilitating this would be appreciate and, we believe, would be of value to BEIS.

Yours sincerely



Paul Britton
Chief Executive