



# UK and European Market Access for Marine Products

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## Introduction

Starting from 01 January 2020, the U.K. officially exited the European Union (EU) and that was the start of the Implementation period (IP) to allow both the EU and the U.K. to establish the processes to handle the changes for customs, immigration etc. The Implementation Period ended 31 December 2020. The transition period began 1st January 2021 and for Marine Products lasts until 1st January 2023.

The process will depend upon where the end products are being sold, either into the UK or into EU and if they are already covered by European conformity assessment documentation. The simplified diagram [here](#) shows the overall process for UK Conformity Mark ('Red Ensign Mark') for Marine Equipment and wheel marks.

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## Contents

|   |          |
|---|----------|
| <b>UK market access .....</b>   | <b>3</b> |
| What is the UK Conformity Mark for Marine Equipment?.....   | 3        |
| What format is the DoC for the UK Conformity Mark for Marine Equipment marking? .....                             | 4        |
| When do I need to start using the UK Conformity Mark for Marine Equipment Marking? .....                          | 4        |
| What are the new directives for UK Conformity Mark for Marine Equipment marking? .....                            | 4        |
| MIN 590 Amendment 3 UK conformity assessment procedures for marine equipment following the transition period..... | 4        |
| What standards are used for UK Conformity Mark for Marine Equipment marking?.....                                 | 5        |
| What about notified bodies for UK? .....  | 5        |
| Summary of impact to manufacturers selling into UK .....  | 5        |
| <b>European market access.....</b>  | <b>6</b> |
| What is the impact of Brexit on CE marking?.....  | 6        |
| Transfer of Wheel Marking from UK notified body.....  | 6        |
| <b>Northern Ireland .....</b>   | <b>7</b> |
| <b>Simplified flowchart showing process for UK Conformity mark for Marine Equipment and CE Marks.....</b>         | <b>8</b> |

# UK market access

During the transition period, i.e. before 01 January 2023, existing products can continue to use the previously generated Wheel Mark to show compliance against the U.K. regulations. If the product is not covered by an EU Wheel Marking process before 1st January 2021 compliance for the U.K. market will subsequently need to be addressed via a new UK Approved Body. From the end of 2022 all U.K. compliance will be covered by a new UK Marine conformity assessment mark, known as the 'Red Ensign mark'.

Looking to the future you will need to use the new Red Ensign mark for Marine Equipment marking immediately after 01 January 2021 if all of the following apply. If your product:

- Does not currently carry the wheel mark
- is for the market in Great Britain
- is covered by legislation which requires the UK Conformity marking (which includes MED products)
- requires mandatory third-party conformity assessment

This does not apply to existing stock, for example, if your good was fully manufactured and ready to place on the market before 01 January 2021. In these cases, your goods can still be sold in Great Britain with wheel marking even if covered by a certificate of conformity issued by a U.K. body.

From 01 January 2023, wheel marking will not be recognised in Great Britain for marine equipment and the U.K. conformity marking must be applied.

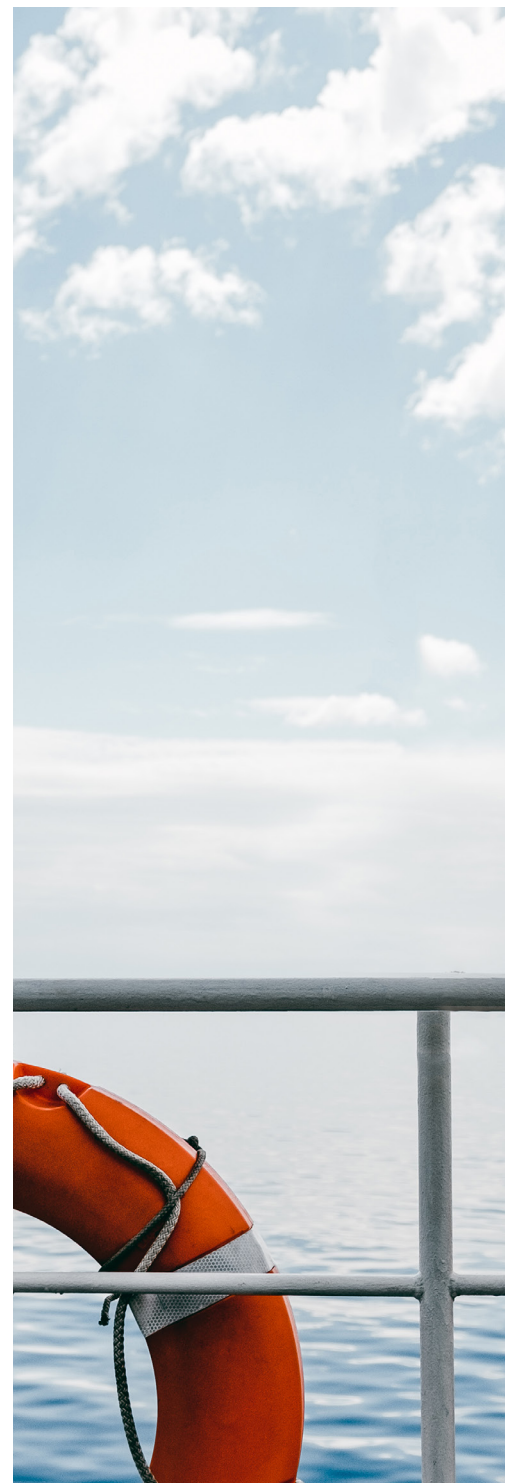
## What is the UK Conformity Mark for Marine Equipment?

To replace wheel marking, the U.K. introduced their own regulatory mark, the Red Ensign mark.



This marking will be required on products subject to the UK equivalent legislation to the Marine Equipment Directive. So, if you are already wheel marking products you will now need to add the UK Conformity Mark for Marine Equipment – for sale into the U.K. and EU, you will need both marks.

As with wheel marking the UK Conformity Mark for Marine Equipment will need to be a minimum of 5mm high and included on both device label and packaging (although an additional transition period allowing markings to be on the documentation and not the product would appear to be applicable for Marine Equipment. It will need to be supported by a Declaration of Conformity (DoC). Also, for relevant products, on the label will need to be the manufacturer's name and address (no change from EU requirements) and on the label and/or packaging the U.K. importer (not the EU importer).



## What format is the DoC for the UK Conformity Mark for Marine Equipment marking?

The DoC to support UK Marine Equipment marking will follow the format of the EU Directive. The main changes will be to:

- replace the references to the EU Directives with the equivalent U.K. Statutory Instrument (Regulation);
- replace, where applicable, the standards with the UK versions;
- remove or where applicable, replace references to a Notified Body with a reference to a UK Approval Body.

## When do I need to start using the UK Conformity Mark for Marine Equipment Marking?

The UK has adopted a limited time period (Transition Period) to allow manufacturers to transition to UK Marine Equipment marking and the U.K.'s regulatory scheme for Marine Equipment. In September 2020 the U.K. announced that this limited time period will extend through to the end of 2022 for the Merchant Shipping Regulations.

Until the end of December 2022, you can choose to continue applying the Wheel mark or use the Red Ensign mark to support shipment and sales in the U.K. but device labelling will be mandatory after 1st January 2023.

## What are the new directives for UK Conformity Mark for Marine Equipment marking?

The U.K. transposed the EU Directives into U.K. law when the directives were introduced so the good news is that, for now at least, the core requirements will remain the same as the corresponding EU Directives. Changes have been, and will continue to be made, to update references from EU to U.K., Notified Body to Approval Body, Harmonised Standard to Designated Standard etc.

The U.K.'s equivalent to the EU Marine Equipment Directive (MED) is:

[Merchant Shipping \(Marine Equipment\) Regulations 2016 SI 2016/1025](#)

[Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 SI 2019/470](#)

[MIN 590 Amendment 3 UK conformity assessment procedures for marine equipment following the transition period](#)





## What standards are used for UK Conformity Mark for Marine Equipment marking?

The U.K. will list the designated standards for the directives – the location of that list is contained within [MSN 1874 \(M+F\) Amendment 3](#). The U.K. did explain that the U.K. standards will be the same in substance and with the same reference as the standards used in the EU.

## What about notified bodies for UK?

Under the U.K. regulations a U.K. approval body will have the equivalent role for the U.K. statutory instruments as the EU notified bodies have for the EU directives. Requirements for using an approval body will follow the EU directives, i.e. mandatory for marine products under the MED.

The current list of U.K. notified bodies will be designated as approval bodies prior to January 2021. As noted in the earlier sections, unless a trade agreement is established between the EU and U.K., the U.K. approval bodies will cease to be notified bodies for EU wheel marking. The formal location for the listing of approval bodies is yet to be announced.

## Summary of impact to manufacturers selling into UK

- Labels need to include the importer on either product labeling or packaging. This may now mean a different importer for CE marking if the previous importer was in the U.K. and addition of the name/address of a U.K. importer if shipping to the U.K.
- As of 01 January 2023 the Red Ensign Mark will need to be added to the product label and packaging if shipping to the UK.
- A new DoC for The Merchant Shipping Regulations will be required for devices that are Red Ensign marked. This will require updated links in user documentation as to the location of the UK Conformity Mark for Marine Equipment DoC if not shipped with the product.
- EU notified body certificates issued by a U.K. notified body will no longer be valid for wheel marking. If your EU (wheel marking) certificate was from a U.K. notified body refer to [Transfer of CE Marking](#) for your options.



# European market access

From 01 January 2021 any mandatory third-party conformity assessment for the EU market will need to be carried out by an EU Notified Body. The UK Conformity Mark for Marine Equipment marking will not be recognised on the EU market. Products currently requiring a CE marking will still need a CE mark for sale in the EU from 01 January 2021.

## What is the impact of Brexit on CE marking?

For sale of goods into the EU, wheel marking and the Marine Equipment Directive (MED) will remain unaffected by Brexit and manufacturers shall continue to wheel mark their product, issue Declarations of Conformity and label the device and packaging with the appropriate names and addresses of manufacturer, importer etc.

However, at the end of the implementation period, U.K. notified bodies lost their status as EU notified bodies and will be removed from the commission's information system on notified organisations (NANDO database<sup>17</sup>). As such, U.K. bodies are not in a position to perform conformity assessment tasks pursuant to EU product legislation after 01 January 2021.

A certificate delivered by a body which is recognised as an EU notified body at the time of the placing of that product on the market will be required for products placed on the EU market after 01 January 2021. It will therefore be necessary for producers to either apply for a new certificate issued by an EU notified body, or arrange for a transfer of the file and the corresponding certificate from the U.K. notified body to an EU notified body, which would then take over the responsibility for that certificate.

## Transfer of Wheel Marking from UK notified body

The transfer of certificates from a U.K. Notified Body to an EU Notified Body needs to take place before the end of the Implementation Period, on the basis of a contractual arrangement between the manufacturer, the U.K. Notified Body, and the EU Notified Body.

When a certificate has been transferred, both the EU Declaration of Conformity (drawn up by the manufacturer) and the Notified Body certificate must be updated accordingly: these documents will need to mention that the certificate is now under the responsibility of an EU Notified Body and indicate both the old U.K. and the new EU Notified Body's details/identification numbers. If the above mentioned product documentation is in order, there is no need to change the Notified Body number for products already placed on the EU or the U.K. market or manufactured before the transfer of certificate has taken place and not yet placed on the EU or the U.K. market. However, products manufactured after the transfer of the certificate has taken place should be marked with the new EU Notified Body number and it will not be possible to continue to use the U.K. Notified Body number.

UL has established a separate legal entity under UL International (Netherlands) B.V. to act as an EU Notified Body and is currently able to issue certificates under its notification number 2821.





# Northern Ireland

Northern Ireland has a set of different rules for marking which are also subject to change.

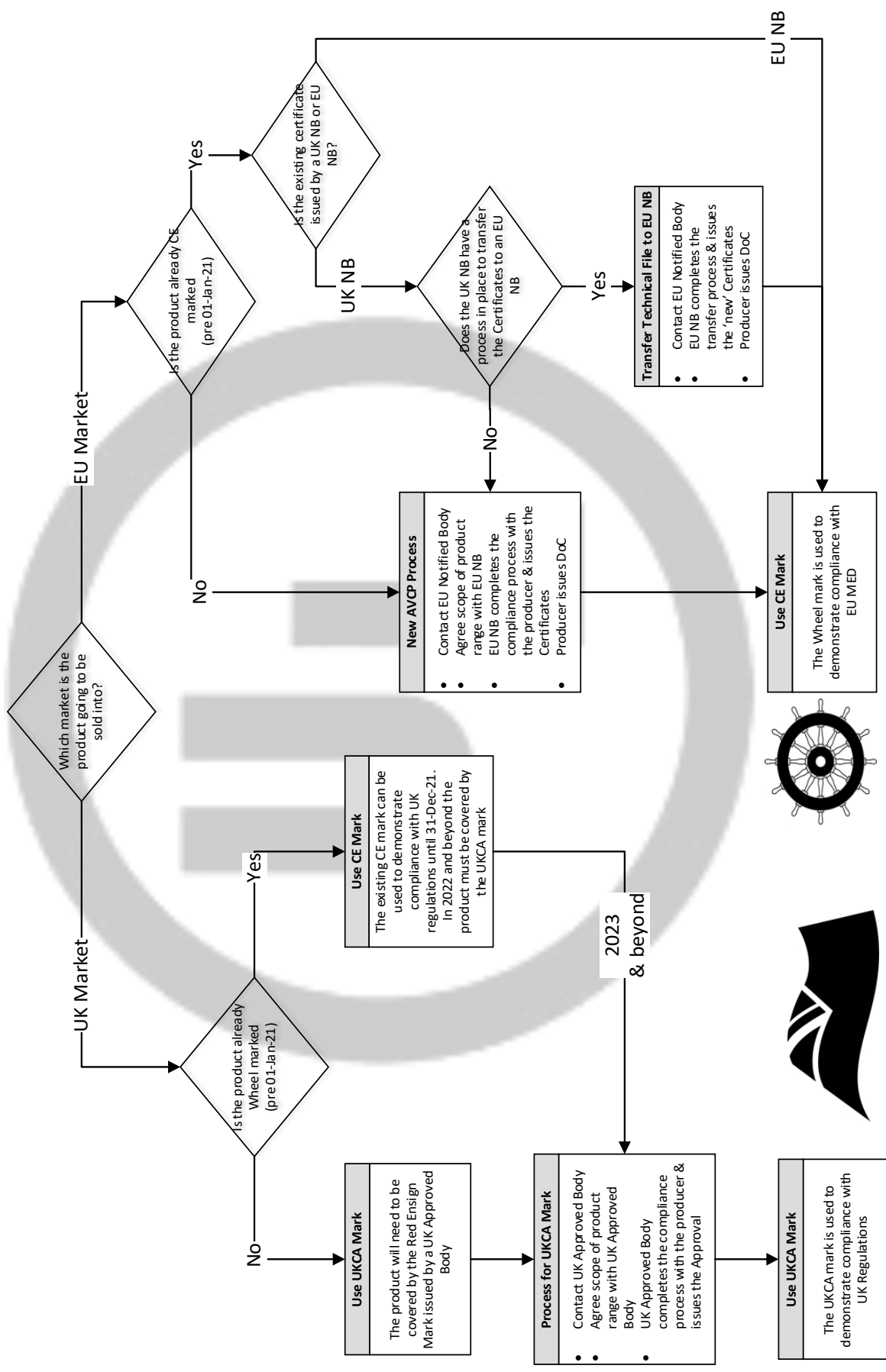
These currently include the following provisions (in summary):

- Products placed on the market in Northern Ireland have to comply with the applicable EU legislation;
- A product manufactured in Northern Ireland and shipped to the EU is not an imported product for the purpose of labelling and identification of economic operators / responsible persons;
- A product shipped from Great Britain to Northern Ireland is an imported product;
- Importers, authorised representative and other responsible persons may be established in Northern Ireland;
- Certificates issued by a notified body in Great Britain are not valid in Northern Ireland. A notified body in Northern Ireland, however, can continue to certify products in certain circumstances.

# Simplified flowchart showing process for UK Conformity mark for Marine Equipment and CE Marks

## UK Market Access (Excl. NI)

## EU Market Access







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