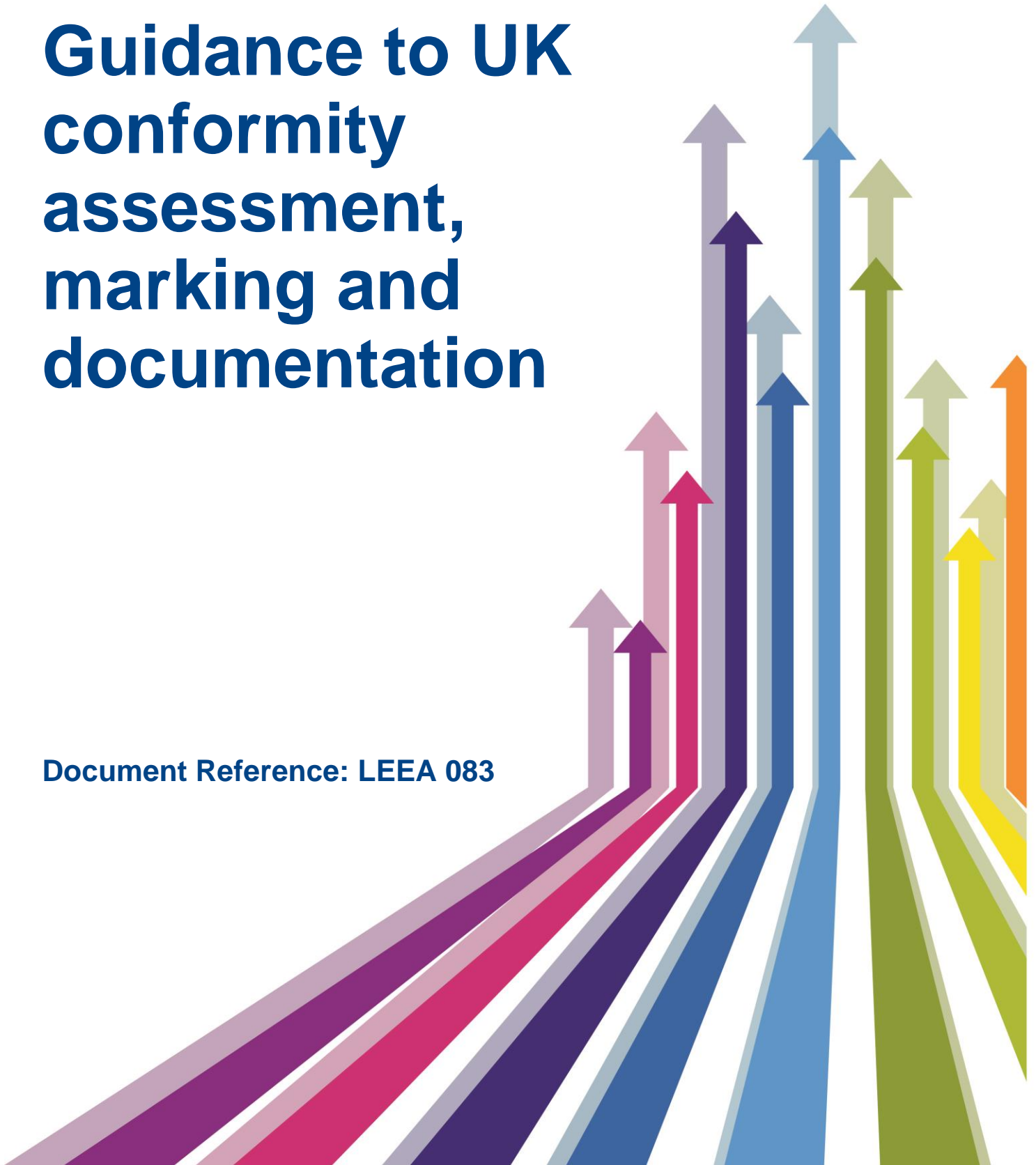


# Guidance to UK conformity assessment, marking and documentation

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**Guidance to UK conformity assessment, marking and documentation  
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## CONTENTS

1.0	Scope	Page 1
2.0	Introduction	Page 1
3.0	Terms and definitions	Page 1
3.1	Placing on the market	Page 1
3.2	Manufacturer	Page 1
3.3	Importer	Page 2
3.4	Authorised representative	Page 2
3.5	Company own branding lifting equipment	Page 2
3.6	Distributor	Page 2
3.7	User	Page 2
3.8	Conformity Assessment	Page 3
3.9	Conformity assessment organisation	Page 3
3.10	Conformity assessment mark	Page 3
4.0	Placing lifting equipment on the market in Great Britain, Northern Ireland and the EU after 1 <sup>st</sup> January 2021	Page 3
4.1	Lifting equipment that is self-certification	Page 3
4.2	Lifting equipment requiring third party notified body approval	Page 4
4.3	Lifting equipment placed on the UK market originating from outside of the UK and EU.	Page 4
4.4	Lifting equipment intended for both EU and UK markets	Page 5
4.5	Existing stock	Page 5
5.0	Purchasing / distributing lifting equipment in Great Britain	Page 5
5.1	Purchasing Lifting equipment for own use	Page 5
5.2	Distributor	Page 5
5.3	Importer	Page 5
6.0	UKCA Mark	Page 6
6.1	How to use the UKCA Mark	Page 6
6.2	Dual Marking	Page 7
7.0	Documentation	Page 7

## 1.0 Scope

This guidance document has been written to provide clarity to the UKCA marking requirements for manufacturers of lifting equipment that is within the scope of the European Machinery Directive 2006/42/EC. This legislation is implemented by the Supply of Machinery (Safety) Regulations 2008.

It is recognised that some lifting equipment is also within the scope of other regulations. These are not covered in any detail, but references and notes for further information are included where appropriate.

## 2.0 Introduction

Following the government's announcement that changes will be made to the requirements for placing manufactured goods onto the market in Great Britain, the Department for Business, Energy and Industrial Strategy (BEIS) published guidance to the new requirements on the 1<sup>st</sup> September 2020. This guidance can be viewed here <https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain-from-1-january-2021>. The changes imposed to which this document provides guidance relate to conformity assessment and associated markings. The new requirements will apply to some currently CE marked products on the 1<sup>st</sup> January 2021 and the requirements will apply to all other CE marked products by the 1<sup>st</sup> January 2022.

In response to the governments guidance many questions have been raised from the industry and this guidance has been written to offer clarity to that given by BEIS. However, it shall be noted that this is a potentially fluid situation and as such this guidance may be amended or withdrawn a required.

Throughout this guidance it will be noted that the requirements for businesses in Northern Ireland and trade between Northern Ireland and the EU and Northern Ireland and Great Britain will remain largely unchanged. This is due to the unique arrangement, providing Northern Ireland businesses with both unfettered access to the UK market and free access to EU markets, which reflects the unique circumstances of Northern Ireland and the Belfast (Good Friday) Agreement.

## 3.0 Terms and definitions.

To help explain the requirements the following terms used in the governments guidance and this document are indispensable.

### 3.1 Placing on the Market.

Lifting equipment is considered to be 'placed on the market' when it is made available in Great Britain, Northern Ireland, or the EU for the first time. Placing on the market refers to each individual item of lifting equipment and partly completed lifting equipment and not to a model or type. In order to place products onto the market in Great Britain and Northern Ireland the manufacturer or his authorised representative must fulfil all of the relevant requirements of the Supply of Machinery (Safety) Regulations 2008<sup>[1]</sup> - Part 3 General prohibitions and obligations. For the EU it is the national legislation that implements the Machinery Directive 2006/42/EC or the directive itself. They must also fulfil all of the obligations of any other legislation that applies to the equipment and its intended use, such as The Dangerous Substances and Explosive Atmospheres Regulations 2002 (ATEX 2014/34/EU in EU) or the Radio Equipment Regulations 2017 (RED 2014/53/EU in EU) for example.

Placing on the market is defined as making the lifting equipment available with a view to distribution or use. Making lifting equipment available implies that it will be transferred from the manufacturer, once all of the obligations imposed by the legislation have been completed, to another person such as a distributor or a user. The equipment is still assumed to be placed on the market if manufactured for the manufacturers own use.

*Note for lifting equipment within scope of construction products regulations different rules apply. Products will need to be UKCA marked if placed on the market after 1<sup>st</sup> January 2022, refer to <https://www.gov.uk/guidance/construction-products-regulation-from-1-january-2021> for further guidance.*

### 3.2 Manufacturer.

The manufacturer is the entity who is legally responsible for the conformity assessment and UKCA, UK(NI) or CE marking of the lifting equipment dependant on the market it is being placed on.

[1] The Supply of Machinery (Safety) Regulations can be reviewed here <https://www.legislation.gov.uk/ukksi/2008/1597/contents/made>

Since the essential health and safety requirements of the of the legislation mainly concern the design and construction of the lifting equipment, the person who is in the best position to fulfil these requirements is clearly the person who actually designs and constructs the lifting equipment, or who at least controls the design and construction process. In some cases, the manufacturer may design and construct the lifting equipment himself. In other cases, all or part of the design or the construction of the machinery may be carried out by other persons (suppliers or sub-contractors). However, the person who assumes the legal responsibility for the conformity of the lifting equipment or partly completed lifting equipment with a view to it being placed on the market under his own name or a trademark must ensure sufficient control over the work of his suppliers and sub-contractors and possess sufficient information to ensure that he is able to fulfil all his obligations required by the legislation.

A person assembling machinery to produce a lifting machine is considered as the manufacturer of the assembly. Usually, the elements constituting an assembly of machinery are supplied by different manufacturers, however one person must assume the responsibility of the conformity of the assembly as a whole. The person making the final assembly must ensure that the machinery they use meets any and all essential health and safety requirements and the simplest way to do this is to accept the appropriate declaration of conformity and marking on the equipment. This information will form their technical file for the assembly.

### **3.3 Importer.**

The legal responsibility of an importer can vary depending on the manner in which they bring lifting equipment into the country of use.

If an importer brings in equipment and modifies it as foreseen by the manufacturer and the modification is covered in the technical documentation and declaration of conformity, then the original manufacturers conformity assessment remains valid and the importer has no legal obligation with respect to the supply legislation. With the exception that they do have to pass manufacturers literature with the equipment. However, if the modification has not been envisaged or covered by the manufacturer, then the importer must take on the obligations of 'manufacturer' under the legislation, see 3.2.

Likewise, if an importer takes lifting equipment that has not been conformity assessed and marked into Great Britain, Northern Ireland, or the EU for their own use or sale, then the importer must take on all of the duties of the 'manufacturer' in terms of conformity assessment and marking.

### **3.4 Authorised representative.**

A manufacturer outside of Great Britain, Northern Ireland, or the EU can authorise a legal representative within that country to act on some or all the obligations required by the legislation. The specific obligations must be detailed within a contract and as a minimum must be to compile and supply the technical file. The manufacturer retains the responsibility for the lifting equipment and it meeting the essential health and safety requirements. The manufacturer will have conformity assessed and marked the equipment in this case.

### **3.5 Company own branding lifting equipment.**

If the manufacturer outside of Great Britain, Northern Ireland or the EU has not mandated an authorised representative then, the company the lifting equipment is marketed under has duties under the legislation. Normally they will have an agreement with the original manufacturer for access to the technical file.

### **3.6 Distributor.**

This is a company or person that takes or purchases lifting equipment from any of those described in sections 3.2 – 3.5 above. They are responsible for checking that the equipment has the appropriate documentation, is UKCA, UK(NI) or CE marked, and the instructions are in the official language of the country where it is placed on the market. They must pass on all relevant documentation that accompanied the product when they took ownership, or copies thereof, with the lifting equipment they distribute to others.

### **3.7 User.**

Any employer taking equipment into their undertaking for use in Great Britain or Northern Ireland is responsible under PUWER regulation 10 to ensure that the equipment meets any and all essential

health and safety requirements. They full this obligation by accepting the declaration of conformity documentation and conformity assessment marking. Otherwise the user would have to take on responsibilities of those that have obligations under the supply legislation as described in sections 3.2 – 3.5.

For EU countries a similar requirement will be imposed by the national legislation that implements the use of work equipment directive 2009/104/EC.

It is therefore important that distributors check the compliance of the equipment with the legislative requirements and recognise the correct documentation and marking.

### **3.8 Conformity assessment.**

A check that a product meets the requirements of the applicable legislation. For lifting equipment placed on the UK market, this will generally be a check that the equipment meets the essential health and safety requirements of the Supply of Machinery (Safety) Regulations 2008 and Section 6 of the Health and Safety At Work Etc Act 1974. For the EU market it will be the requirements of the Machinery Directive 2006/42/EC or the national legislation that implements it. It should be noted that for certain items of lifting equipment, other legislation will also apply such as the Dangerous Substances and Explosive Atmospheres Regulations 2002 (ATEX in EU) or the Radio Equipment Regulations 2017 (RED in EU) for example.

*Note for the foreseeable future the EU and UK legislation will remain the same, in which case products that have been conformity assessed to EU requirements will also meet UK requirements.*

*Note for lifting equipment within scope of construction products regulations different rules apply. Products will need to be UKCA marked if placed on the market after 1<sup>st</sup> January 2022, refer to <https://www.gov.uk/guidance/construction-products-regulation-from-1-january-2021> for further guidance.*

### **3.9 Conformity assessment organisation**

Also known as 'notified bodies', they are the organisations designated by UK and EU countries to undertake third party conformity assessment of certain products before they can be placed on the market.

Third party notified body assessment is required by some legislation for specific items of equipment, however, a manufacturer may also request it in support of their self-certification of products. From 1<sup>st</sup> January 2021 UK notified bodies will lose their status within the EU and will therefore become known as approved bodies

### **3.10 Conformity assessment mark**

A mark placed on the lifting equipment indicating that the manufacturer or authorised representative has done all of the necessary conformity assessment required by the applicable legislation.

## **4.0 Placing lifting equipment on the market in Great Britain, Northern Ireland and the EU after 1<sup>st</sup> January 2021.**

The following sections offer further clarity to the requirements given in the guidance document published by BEIS on the 1<sup>st</sup> September 2020.

### **4.1 Lifting Equipment that is self-certified**

Currently the UK and EU requirements are the same for self-certified goods and this is likely to be the case on the 1<sup>st</sup> of January 2021 as there are no plans to diverge at this time. This means that after the 1<sup>st</sup> January 2021 you can continue to CE mark your products and issue an EC Declaration of Conformity. You are encouraged to be ready as soon as possible, and by 1<sup>st</sup> January 2022 at the latest to use the UKCA mark if placing lifting equipment on the market in Great Britain. However, if the rules change, i.e. a change in legislation, and you base your conformity assessment on rules that deviate from the requirements in Great Britain, you will no longer be able to use the CE marking in Great Britain. This will be the case even if anything changes before the 1<sup>st</sup> January 2022, and hence the recommendation to get ready as soon as possible.

For lifting equipment that has been manufactured in the EU, whereby an authorised representative or legal entity was not required, the EU manufacturer now placing lifting equipment on the market in Great Britain will need to appoint one. This will also be the same for British manufacturers placing lifting equipment on the EU market.

The above requirements are applicable from the 1<sup>st</sup> January 2021.

#### **4.2 Lifting Equipment requiring third party approval**

Not all lifting equipment requires third party notified body approval, in general it is those higher risk items that require it, for example products designed for the lifting of people, products for use in some explosive environments, products that use radio equipment, etc. Although it should be noted that there are other routes to placing on the market, i.e. working fully to a harmonised standard that covers all applicable EHSRs and a full quality assurance procedure.

If your lifting equipment;

- Is covered by legislation which requires the UKCA mark, i.e. is currently CE marked, or you are placing the item on the market in Northern Ireland; and
- Requires third party notified body approval; and
- The conformity assessment has been carried out by a UK conformity assessment body and you haven't transferred your conformity assessment files from your UK body to an EU recognised body before the 1<sup>st</sup> of January 2021;

You will have to apply the UKCA marking for the equipment placed on the market in Great Britain and the UK(NI) mark in addition to the CE mark and issue the appropriate documentation. Your notified body should be in a position to assist with this.

Sections 6 and 7 of this document provide guidance to marking and associated documentation respectively.

For equipment requiring notified body approval that has been conformity assessed by a non-UK recognised organisation or you have transferred your conformity assessment files from a UK recognised body to non-UK recognised body, then you cannot use the UKCA or UK(NI) mark and must to use the CE mark and EC Declaration of Conformity until 31<sup>st</sup> December 2021. However, it is recommended that you transfer your conformity files over to a UK recognised conformity assessment body and apply the UK conformity assessment requirements and marking as soon as possible if you intend to place on the market in Great Britain. You do not need to follow this recommendation if you are placing on the market in Northern Ireland.

*Note: some notified bodies will automatically have their status changed to UK approved notified body, whereas others will be working towards it. Check the status of your notified body with them before making any of the above changes.*

Lifting equipment that bears the UKCA mark cannot be placed on the EU market, unless they are CE marked. This is also true of equipment that has the UK(NI) mark as the notified body will not be recognised in the EU. Therefore, for products that are manufactured in Northern Ireland that require notified body approval and are intended to be placed on the EU market, the conformity assessment would need to be done by an EU registered notified body. In this case the product would bear the CE mark only. Likewise, products originating from Great Britain that required notified body approval would need a EU registered notified body in order to CE mark the equipment and place it on the EU market.

For goods that have been manufactured in the EU, whereby an authorised representative or legal entity was not required, the EU manufacturer now placing goods on the market in Great Britain will need to appoint one. This will also be the same for British manufacturers placing good on the EU market. This is not the case with products trading between the EU and Northern Ireland or between Northern Ireland and Great Britain.

The above requirements are applicable from the 1<sup>st</sup> January 2021.

#### **4.3 Lifting equipment placed on the UK market originating from outside of the UK and EU.**

For equipment originating from outside of the EU and the UK, the requirements remain the same. The manufacturer will either need to appoint an authorised representative to act on some or all of their



obligations under the Machinery Directive 2006/42/EC or Supply of Machinery (Safety) Regulations 2008 respectively, or they will self-certify and appoint a legal representative to compile the technical file for them should it be required by the authorities. For equipment being placed on the market in Great Britain this representative must be based in the Great Britain. For equipment being placed on the EU market they will have to be based in Northern Ireland or an EU member state.

#### **4.4 Lifting equipment intended for both the EU and UK markets.**

There have been no changes to UK legislation, so if your lifting equipment is currently CE marked and meets the requirements of the applicable legislation, then you can dual mark it with the UKCA and CE marks if you intend for the product to be placed on both the EU and UK markets, see section 6.1. However, the requirements for those products requiring notified body approval will be different refer to section 4.2.

Although the general requirements for CE marking and UKCA marking are the same, you will require a legal representative in either the EU or UK depending on the country in which the product is manufactured, see section 4.3.

#### **4.5 Existing stock.**

All lifting equipment that has been manufactured prior to the 1<sup>st</sup> of January 2021 can still be placed on the market after this date with existing markings and notified body numbers.

#### **5.0 Purchasing / distributing Lifting equipment in Great Britain.**

There are certain duties that are required by purchasers of lifting and those distributing it, the following sections briefly highlight the general requirements for each.

##### **5.1 Purchasing Lifting Equipment for own use.**

Businesses that take in lifting equipment that has been placed on the market for their own use have a duty under PUWER regulation 10 to ensure that the equipment meets any and all essential health and safety requirements. They fulfil these obligations by accepting the appropriate documentation and marking on the product, refer to sections 4.1 – 4.5 for guidance.

If the equipment has not been placed on the market, then the business taking the equipment into their undertaking must take on the responsibility of importer, see section 3.3 and 5.3.

##### **5.2 Distributor**

If the item does not meet the requirements for placing on the market in Great Britain then you will become the importer after 1<sup>st</sup> January 2021, refer 3.3 and 5.3.

Otherwise you will be a distributor. As a distributor you need to ensure that the appropriate marking is on the equipment that you sell on and that it is accompanied with the appropriate documentation and instructions for use, refer to section 6 and 7.

##### **5.3 Importer**

If you are an importer of goods, either for own use or resale, then you will need to take on responsibilities of the manufacturer in terms of placing products on the market. In general, an importer will need to make sure;

- Goods are labelled with their company details, including their business name and address. (note until 31<sup>st</sup> December 2022 you can provide these details on the accompanying documentation rather on the product itself)
- The correct conformity assessment procedures have been carried out and that goods have the correct conformity markings.
- The manufacturer has drawn up the correct technical documentation and complied with their labelling requirements
- You retain a copy of the declaration of conformity for a period of 10 years
- Good confirm with the relevant essential requirements.

## 6.0 UKCA mark

The UKCA (UK Conformity Assessed) marking is a new UK product marking that will be used for goods being placed on the market in Great Britain. It covers lifting equipment which previously required the CE marking.

The UKCA marking alone cannot be used for lifting equipment placed on the EU Market or Northern Ireland market, which require the CE marking and/or for Northern Ireland the CE mark or UK(NI) mark.

The following sections add additional information to section 3 to 5 to explain how to use the UKCA marking.

### 6.1 How to use the UKCA marking

For most items of lifting equipment, the UKCA mark must be affixed to the product itself. However, in the case of bulk supplies of chain, rope, or webbing it can be placed on the packaging, reel, drum, etc.

Typically, the rules that applied to CE marking are the same, but in general the following apply;

- UKCA markings must only be placed on a product by you as the manufacturer or your authorised representative where they are mandated by the manufacturer to be responsible for this specific requirement under the legislation.
- When attaching the UKCA marking, you take full responsibility for your products conformity with the requirements of the applicable legislation, primarily for lifting equipment that would be the Supply of Machinery (Safety) Regulations 2008. Other legislation will apply depending on type or use of the equipment, i.e. Radio Equipment Regulations.
- You must only use the UKCA marking to show conformity with the relevant UK Legislation.
- You must not place any marking or sign that may misconstrue the meaning or form of the UKCA marking to third parties
- You must not attach other markings on the product which affect the visibility, legibility or meaning of the UKCA marking
- The UKCA marking is at least 5mm in height, i.e. from the top of the 'U' to the bottom of the 'C'. The other dimensions must be proportionate to those in figure 1. Where a product is too small or the addition of the marking can affect functionality or strength, then the marking can be applied by means of a tag or other means securely attached to the product.
- The UKCA marking is easily visible, legible and indelibly marked on the machine, the latter being a requirement from the 1<sup>st</sup> of January 2023. Note that the marking can be provided on the documentation, i.e. the declaration of conformity and instructions, rather than on the product itself until 31<sup>st</sup> December 2022.
- The UKCA mark cannot be placed on products that are not within scope of legislation requiring it, i.e. chain sling components.



Figure 1: UKCA mark – can be downloaded here [Download UKCA mark image files \(fill\)](#)

## 6.2 Dual marking

For lifting equipment being placed on the both the EU and UK markets, the UKCA mark will not be recognised in the EU. However, if it is more convenient to do so, you may mark the equipment with both the CE and UKCA markings so long as the equipment is fully compliant with both UK and EU regulations. Equipment for the EU market cannot be marked with the UK(NI) mark and must only have the CE mark on it. For dual marked products they may have both the CE and UKCA marks.

From the 1<sup>st</sup> January 2021 the essential requirements and standards that can be used to demonstrate conformity with them for UKCA marked products will be the same as they are now. That means that if your lifting equipment is currently made to the technical requirements necessary for CE marking then it will be made to the same technical requirements that will exist for UKCA marking from the 1<sup>st</sup> January 2021. However, the conformity bodies that test them may need to be different.

## 7.0 Documentation

Lifting equipment bearing the UKCA mark will need to be accompanied with a copy of the UK Declaration of conformity. The manufacturer or their authorised representative must keep the original copy of this document to demonstrate that the lifting equipment conforms with the applicable legislation. This must be kept for up to 10 years after the product was placed on the market.

In addition to the UK Declaration of Conformity there must be a full technical file as required by the legislation and instructions for use. These will be the same as those required in support of the EC Declaration of Conformity for CE marked products.

For lifting equipment that has already been placed on the EU market, the EC Declaration of Conformity will largely be the same. In general, the following particulars will be required, and a template document is given in figure 2 for equipment covered by the Supply of Machinery (Safety) Regulations 2008.

- A declaration that the product is in conformity with the relevant UK statutory requirements applicable to the specific product.
- The details of the notified body that did the third-party conformity assessment, where applicable.
- The manufacturers name and full business address
- The authorised representatives name and full business address, where applicable.
- Name and address of the person to compile the technical file, where different from the manufacturer or authorised representative.
- Description of equipment, including generic denomination, function, model, type and commercial name, and WLL or Rated Capacity.
- The transposed harmonised standards used – must have a BS prefix, i.e. BS EN .....
- The British national standards used
- The place of the declaration
- The date of the declaration
- The Name, Signature and Position of the person making the declaration.

In addition to the documentation and marking requirements it is important to note that instructions for use will have to be supplied with the equipment to satisfy the UK Health and Safety Legislation



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### UK Declaration of Conformity

This certificate meets the requirements of the Supply of Machinery (Safety) Regulations 2008

<b>Name &amp; Address of Manufacturer:</b>	<b>Name &amp; Address of person to compile Technical File:</b> (Must be established in the UK)
<b>Name &amp; Address of Authorized Representative if one has been mandated by the manufacturer:</b>	
<b>Name, Address and identification number of the notified body, where applicable</b>	
<b>Description of Equipment (make type and serial number):</b> Should include – Generic Denomination; Function; Model; Type & Commercial Name; SWL or WLL or WL or Rated Capacity	
<b>The transposed harmonised standards used (BS prefix):</b>	
<b>The British National standards and any technical specifications used (specify):</b>	
<b>Place of Declaration:</b>	
<b>Date of Declaration:</b>	

I declare that the above equipment meets the essential safety requirements of the Supply of Machinery (Safety) Regulations 2008 and section 6 of the Health and Safety At Work Etc. Act. 1974

**Name:**

**Signature:**

**Position:**

**Figure 2: Template document compliant with the UK Conformity Assessment requirements for lifting equipment within the scope of the Supply of Machinery (Safety) Regulations 2008.**