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FREQUENTLY ASKED QUESTIONS

BREXIT AND PRESSURE EQUIPMENT

This information was last updated on 14 April 2021 and represents BCGA's best attempt to interpret what is the ongoing development of "Brexit".

We offer this interpretation without liability and readers who have involvement in the management and use of Pressure Equipment should make their own assessments and checks with regulatory authorities as appropriate to their business decisions.

The content of this document will be regularly reviewed and updated, as best we are able, as new information becomes available.

These frequently asked questions relate to anyone who is involved in the supply, installation and use of pressure equipment and aim to provide general guidance on managing pressure equipment as the United Kingdom transitions from Brexit and leaves the European Union.

For transportable pressure equipment BCGA have issued separate FAQs.

1: WHEN DID BREXIT HAPPEN?

A: The United Kingdom (UK) left the European Union (EU) on 31 January 2020.

2: HOW IS PRESSURE EQUIPMENT REGULATED IN THE UK?

A: For new equipment, compliance is required with the *Pressure Equipment (Safety) Regulations 2016*.

UK Pressure Equipment (Safety) Regulations 2016: <https://www.legislation.gov.uk/ukxi/2016/1105/contents>

The *Pressure Equipment (Safety) Regulations 2016* have been amended by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019*.

<https://www.legislation.gov.uk/ukxi/2019/696/contents/made> (see Schedule 24).

To allow businesses time to adjust to the new requirements, CE marked pressure equipment can be used until 1 January 2022 in most cases.

For existing equipment in use, The User of the pressure equipment is required to comply with the *Pressure Systems Safety Regulations 2000*.

UK Pressure Systems Safety Regulations 2000: <https://www.legislation.gov.uk/ukxi/2000/128/contents/made>

3: HOW WILL PRESSURE EQUIPMENT BE REGULATED AFTER 1 JANUARY 2021?

A: For new equipment, compliance is required with the *Pressure Equipment (Safety) Regulations 2016*.

Guidance on the *Pressure Equipment (Safety) Regulations 2016*, following Brexit, has been issued by the *Office for Product Safety & Standards* ([OPSS](#)).

Guidance for GB & NI: <https://www.gov.uk/government/publications/pressure-equipment-safety-regulations-2016>

The purpose of the legislation is to protect consumers from unsafe products by requiring manufacturers to show how their pressure equipment or assemblies meet 'essential safety requirements'. The Regulations regulate the design, manufacture and conformity assessment of pressure equipment and assemblies with a maximum allowable pressure PS greater than 0.5 bar.

For existing equipment in use, The User of the pressure equipment is required to comply with the *Pressure Systems Safety Regulations 2000*.

4: WHAT IS THE DIFFERENCE BETWEEN THE GB MARKET AND THE UK MARKET?

A: The GB market is England, Scotland and Wales. The UK Market includes the GB Market and Northern Ireland.

5: WHAT IS A 'UKCA' MARK?

A: The 'UKCA' (UK Conformity Assessed) marking is the new UK product marking that is used for goods which have been conformity assessed and are being placed on the market in Great Britain.



<https://www.gov.uk/guidance/using-the-ukca-marking>

6: WHO AUTHORISES THE PLACING OF A 'UKCA' MARK ON AN ITEM OF PRESSURE EQUIPMENT?

A: For pressure equipment requiring conformity assessment, the manufacturer, or his authorised representative, must draw up a declaration of conformity, and affix the 'UKCA' marking visibly, legibly and indelibly to the equipment. Where the 'UKCA' mark is applied under the surveillance of a UK Approved Body, the Approved Body identification number has to be displayed.

The Department for *Business, Energy and Industrial Strategy* ([BEIS](#)) issue a list of UK Market Conformity Assessment Bodies. It includes details of Approved Bodies and Notified Bodies (Northern Ireland).

<https://www.gov.uk/uk-market-conformity-assessment-bodies>

9: WHAT HAPPENS AFTER 1 JANUARY 2021?

A: From 1 January 2021 the 'UKCA' mark should be used. However, there is a transition period, which ends on 31 December 2021, allowing 'CE' marked goods to continue to be placed on the UK market in accordance with the UK *Pressure Equipment (Safety) Regulations 2016* provided neither UK nor EU legislation changes in the meantime.

NOTE: There are specific exceptions, such as for medical devices, which can continue to be supplied with a 'CE' mark until 30 June 2023.

From 1 January 2022 only new pressure equipment which meets the requirements for 'UKCA' marking can be placed on the market within the UK.

10. WHEN CARRYING OUT A CONFORMITY ASSESSMENT OF AN ASSEMBLY UP TO 31 DECEMBER 2021, WHAT MARK IS REQUIRED?

A. If an assembly only contains 'UKCA' marked equipment, a UK Approved Body can apply a 'UKCA' mark. The assembly cannot be 'CE' marked.

If an assembly only contains 'CE' marked equipment, an EU Notified Body can apply a 'CE' Mark and / or a UK Approved Body can apply a 'UKCA' mark.

An assembly containing 'UKCA' and /or 'CE' marked components can be 'UKCA' marked by a UK Approved Body. It cannot be CE marked.

11. When carrying out a conformity assessment of a new assembly from 1 January 2022, what mark is required?

A. The assembly must be 'UKCA' marked by a UK Approved Body.

NOTE: The assembly may only include 'CE' marked components if they were placed on the market before the 31 December 2021 (the date of manufacture on the data plate / EU Declaration of Conformity).

12. The component I require is only available from a European supplier and only has a 'CE' mark applied by a EU Notified Body. Can I incorporate it into a UK assembly?

A component may only be incorporated if it is placed on the market before the 31 December 2021 (the date of manufacture on the data plate / EU Declaration of Conformity).

13. For existing 'CE' marked assemblies which require spare or replacement components (as part of the maintenance regime, for example, a pressure relief valve which has a defined life in-service), can I use a 'CE' marked item after 1 January 2022?

Yes. Provided it is a like-for-like replacement that meets the Manufacturer's original specification. Otherwise, any spares placed on the market from 1 January 2022 must be 'UKCA' marked, unless they were placed on the market before 31 December 2021.

Pressure equipment assemblies can have a long service life. There will be assemblies which require spares that may be proprietary items. These may only be available as a 'CE' marked item. Like-for-like spares are necessary to meet the manufacturer's specifications and to ensure safe and correct operating parameters.

14. If an item of pressure equipment is placed on the EU market during 2021 and is 'CE' marked, can I use it within GB after 31 December 2021?

Yes, provided it was placed on the market before 31 December 2021.

15. We have a major project underway (for which contracts were signed prior to Brexit) which will incorporate multiple 'CE' marked components manufactured across multiple global locations, many complex, where the final assembly and conformity assessment will not be completed until after 1 January 2022. Can the final installation be 'UKCA' marked?

Yes. Provided the contracts were agreed before the 31 December 2021 in accordance with the legislation in place at that time.

A fully manufactured (individual) good is 'placed on the market' when a written or verbal agreement (or offer of an agreement) to transfer ownership or possession or other property rights in the product is exchanged. This does not require physical transfer of the good. You can usually provide proof of placing on the market on the basis of any relevant document ordinarily used in business transactions, including:

- contracts of sale concerning goods which have already been manufactured and meet the legal requirements
- invoices
- documents concerning the shipping of goods for distribution

The relevant economic operator (whether manufacturer, importer or distributor) bears the burden of proof for demonstrating that the good was placed on the market before 1 January 2021.

<https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain>

16. Can transportable pressure equipment be used in static installations, for example, cylinder bundles, tanks, etc.?

A. Yes. Transportable pressure equipment has to comply with the UK *Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations*. Transportable pressure equipment will continue to have periodic inspection and testing in accordance with these Regulations.

<https://www.legislation.gov.uk/uksi/2009/1348/contents/made> (as amended)

17. Can an item of pressure equipment, owned by a single company, be moved between the GB and the EU?

A. New pressure equipment moved from GB to Republic of Ireland. As Republic of Ireland is in the EU, any equipment will need to be 'CE' marked. It may be dual marked with a 'UKCA'.

New pressure equipment moved from Republic of Ireland to GB. All equipment will require to be 'UKCA' marked. Dual marking with a 'CE' mark is acceptable.

If new pressure equipment is moved to Northern Ireland, it must be marked with either a 'CE' mark, or a 'CE' and a 'UKNI' mark. You cannot use just a 'UKCA' mark, but you can apply a 'CE' and 'UKCA' mark.

<https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain>

Existing CE marked pressure equipment can go both ways provided it was placed on the market before 31 December 2021.