



## BRITISH COMPRESSED GASES ASSOCIATION

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## FREQUENTLY ASKED QUESTIONS

### BREXIT AND PRESSURE EQUIPMENT

This information was last updated on 7 September 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: What transition periods were in place?**

A: From 31 January 2020 until 31 December 2020 existing EU Directives and Regulations applied in the UK. This is now complete.

#### **3: What happened after 1 January 2021?**

A: Existing EU Directives and Regulations still apply whilst new arrangements for UK legislation will be put in place to replace the EU requirements. This is called the "standstill period". Each Directive / Regulation will have its own defined standstill period.

As an example, we understand that the EU Pressure Equipment Directive ([EU Directive 2014/68/EU – PED](#)) will continue to apply until 31 December 2022.

#### **4: 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, pressure equipment that is compliant with the EU Pressure Equipment Directive ([EU Directive 2014/68/EU – PED](#)) and is CE marked, can be placed on the GB market until 1 January 2023.

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>

## **5: 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 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*.

## **6: 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.

## **7: What is a ‘UKCA’ mark?**

A. The ‘UKCA’ (UK Conformity Assessed) marking is the UK product marking that is used for goods which have been conformity assessed and are being placed on the market in GB.



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

Note that the ‘UKCA’ mark is not mandatory until 1 January 2023

## 8: 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](https://www.gov.uk/government/organisations/business-energy-and-industrial-strategy)) 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>

Note that if pressure equipment is compliant with the EU Pressure Equipment Directive ([EU Directive 2014/68/EU – PED](https://eur-lex.europa.eu/eli/dir/2014/68/eu/20140601)) then conformity assessment is carried out by a EU Notified Body.

## 9: What is a CE mark?

A: To place pressure equipment on the EU market (or in other Nations where the EU Pressure Equipment Directive ([EU Directive 2014/68/EU – PED](https://eur-lex.europa.eu/eli/dir/2014/68/eu/20140601) is enacted into national legislation), the CE mark is a mandatory requirement to show compliance with the EU Pressure Equipment Directive ([EU Directive 2014/68/EU – PED](https://eur-lex.europa.eu/eli/dir/2014/68/eu/20140601)).

<https://www.gov.uk/guidance/ce-marking>



## 10: Who authorises the placing of a CE mark on an item of pressure equipment?

A: Following successful conformity assessment, pressure equipment will be marked with a CE mark by an EU Notified Body.

Details of EU Notified Bodies are available from the Nando (New Approach Notified and Designated Organisations) Information System.

<https://ec.europa.eu/growth/tools-databases/nando/>

## 11: What happens after 1 January 2021?

A: From 1 January 2021 the 'UKCA' mark may be used. However, there is a standstill period allowing 'CE' marked goods to continue to be placed on the UK market provided neither UK nor EU legislation changes in the meantime.

[BEIS](https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain) has confirmed that the 'UK CA' mark is not mandatory until 1 January 2023.

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

This applies to several Regulations, but specifically for BCGA members this will include equipment which complies with the *Pressure Equipment (Safety) Regulations 2016* and the *Simple Pressure Vessels (Safety) Regulations 2016*.

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

<https://www.gov.uk/guidance/regulating-medical-devices-in-the-uk>

From 1 January 2023 only new pressure equipment which meets the requirements for 'UKCA' marking can be placed on the market within GB.

**12. When carrying out a conformity assessment of a new assembly up to 31 December 2022, 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, with the agreement of the Body approving the assembly, an EU Notified Body can apply a 'CE' Mark and / or a UK Approved Body can apply a 'UKCA' mark.

For an assembly containing 'UKCA' and /or 'CE' marked components the final assessment of an assembly is determined by the judgement of the UK Approved Body or the EU Notified Body undertaking the examination of the final assembly.

**13. When carrying out a conformity assessment of a new assembly from 1 January 2023, what mark is required?**

A. Following successful conformity assessment, the assembly must be 'UKCA' marked by a UK Approved Body.

NOTE: The final assessment of an assembly is determined by the judgement of the UK Approved Body undertaking the examination of the final assembly.

**14. 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?**

The final assessment of an assembly is determined by the judgement of the UK Approved Body undertaking the examination of the final assembly.

**15. 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 2023?**

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 2023 must be 'UKCA' marked, unless they were placed on the market before 31 December 2022.

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.

**16. If an item of pressure equipment is placed on the EU market during 2021 / 2022 and is 'CE' marked, can I use it within GB after 31 December 2022?**

Yes, provided it was placed on the market before 31 December 2022.

**17. 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 2023. Can the final installation be ‘UKCA’ marked?**

Yes. Provided the contracts were agreed before the 31 December 2022 in accordance with the legislation in place at that time. The final assessment of an assembly is determined by the judgement of the UK Approved Body undertaking the examination of the final assembly.

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>

**18. 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)

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

A. The conformity assessment / making of an item of pressure equipment has to be in compliance with the legislation of the first country where it is placed on the market.

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 2022.

**NOTE:** The UKNI marking is a new marking applied in addition to the CE marking, where pressure equipment requiring mandatory third-party conformity assessment has been tested against EU requirements by a UK body. The UKNI marking applies when placing such products on the Northern Ireland market. Under the Government's unfettered access commitments, products lawfully marked with the UKNI marking can also be placed on the GB market if they are also qualifying Northern Ireland goods.

**20. Can the 'UKCA' mark for an item of pressure equipment be provided on accompanying documentation?**

A. [OPSS](#) have given dispensation to allow the UKCA mark to be placed on a label or supporting documentation (rather than on the product) until 31 December 2022. Refer to [OPSS](#) guidance, Section 5.4.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/949799/Guide-to-pressure-equipment-regulations-2016-tp.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/949799/Guide-to-pressure-equipment-regulations-2016-tp.pdf)