The HSE have provided updates on upcoming changes to regulatory requirements from January 2021 following the UK transition period for leaving the EU.

Regulating equipment and machinery.

New rules will be in place ensure when the transition period ends to ensure that only safe and compliant work equipment is placed on the market. This includes workplace goods which have been assessed by an EU-recognised notified body.

CE marking

CE marking applies to products, ranging from electrical equipment to toys and from civil explosives to medical devices. The full list of these product categories is below:

- active implantable medical devices
- appliances burning gaseous fuels
- cableway installations designed to carry persons
- eco-design of energy related products
- electromagnetic compatibility
- equipment and protective systems intended for use in potentially explosive atmospheres
- explosives for civil uses
- hot-water boilers
- household refrigerators and freezers
- in vitro diagnostic medical devices
- lifts
- low voltage
- machinery
- measuring instruments
- medical devices
- noise emission in the environment
- non-automatic weighing instruments
- personal protective equipment
- pressure equipment
- pyrotechnics
- radio and telecommunications terminal equipment
- recreational craft
- safety of toys
- simple pressure vessels

CE marking shows that the manufacturer has checked that these products meet EU safety, health or environmental requirements. CE marking does not mean that a product was made in the EEA, but states that the product is assessed before being placed on the market. It means the product satisfies the legislative requirements to be sold there.

CE marking can be placed on applicable goods until 01 January 2022.

The new UK mark

The UK Conformity Assessed (UKCA) mark is the new UK product mark for workplace products and other goods. From 1st January 2021 UKCA marking will begin to replace CE marking for goods being placed on the UK market. From 1 January 2022 the UKCA mark must be used.

Up until 31 December 2022 the UKCA mark can be placed directly on the product or on an accompanying document. From 1 January 2023 the UKCA mark must be placed directly on the product.

Chemicals

Changes will be made to ensure effective and safe management of chemicals continues. Guidance on regulating chemicals after the transition period is available:

- Biocides - Authorisation of biocidal substances and products
- CLP - Classification, labelling and packaging of substances and chemicals
- PPP - Pesticides or Plant Protection Products
- REACH - Registration, evaluation, authorisation and restriction of chemicals

Chemicals classification, labelling and packaging (CLP)

From 1 January 2021, the European Union (EU) CLP Regulation will be replaced in Great Britain by the GB CLP Regulation. Great Britain will make its own decisions about mandatory hazard classification and labelling. A mandatory classification and labelling system (GB MCL) will replace the EU harmonised classification and labelling system. Guidance for the GB CLP regulation and regime will be available for January 2021. There are no changes to the safety of packaging requirements.

Registration, Evaluation, Authorisation and restriction of Chemicals (REACH)

After the transition period ends the EU REACH Regulation will be brought into UK law under the European Union (Withdrawal) Act 2018. REACH, and related legislation, will be replicated in the UK with the necessary changes to make it operable in a domestic context. The key principles of the EU REACH Regulation will be retained. From 1 January 2021 the UK REACH and the EU REACH regulations will operate independently from each other.

Biocides

A UK version of the EU list of approved active substance suppliers (the ‘Article 95’ list) will be established. The list will mirror the EU list at the point the transition period ends and will operate in the same way. To stay on the Great Britain list businesses will need to submit supporting information to HSE and will have 2 years to meet these requirements.

Pesticides or Plant protection products (PPP)

A new independent pesticides regulatory regime will operate. The Health and Safety Executive (HSE) will remain the national regulator for the whole of the UK. All existing active substance approvals, PPP authorisations and maximum residue levels will continue to be valid. Existing PPP authorisations remain valid until their current expiry date. MRLs will be based on assessments and amended if necessary but existing MRLs will remain valid until that time. Active substance approvals due to expire before December 2023 will be extended for 3 years to allow time to plan and implement a review programme. The HSE will retain the power to review active substance approvals at any time if new evidence identifies any concerns to human health or the environment.