

Rt Hon Michael Gove, MP
Chancellor of the Duchy of Lancaster
Minister for the Cabinet Office
House of Commons
London
SW1A 0AA

3 August 2020

Dear Minister,

Clarity on regulatory requirements after January 2021

The undersigned are concerned that there is still no clarity concerning the requirements that will apply to products supplied into the UK after the transition period finishes at the end of this year. We must stress that these late decisions relating to requirements for producers will result in the inability of many producers to supply products into the UK market in Q1 of 2021, resulting in product shortages and negative economic impact. To have this uncertainty, on top of the severe economic impact of Covid-19, risks placing an impossible burden on many businesses.

Among areas where industry needs clarity is the key and urgent requirement for confirmation of the requirements for the change from CE marking to UKCA marking. We are writing to you because responsibility for legislation on this matter falls under more than one government department.

We have individually and collectively communicated with the Secretary of State for BEIS and held numerous meetings with officials in BEIS and other government departments on this matter. We understand that you and other Ministers will be taking a decision on this issue soon, but officials cannot give any guarantees about the situation post 31 December until such a decision is made.

It will take time for products to be supplied with the new UKCA marking. Goods to be offered for sale in the UK on or after 1 January 2021 have already been shipped without the UKCA marking. Were the UKCA marking to be mandatory from 1 January 2021, these goods could not be sold legally in Great Britain.

In addition, while some of the laws that require conformity to be signalled by affixing the CE marking have been, or are in the process of being, revised for the legal situation which may, depending on the agreement reached with the EU, apply after the end of the transition period, this is not true in all cases. We understand that there are also difficulties surrounding Approved Bodies which, for certain laws, need to grant their approval before a product can be placed on the market in GB.

We are writing to ask you to expedite the decision-making process to give businesses legal certainty as to the terms of compliance for supplying goods into GB after 1 January 2021. We also need urgent clarification of the situation vis a vis Northern Ireland.

In order to avoid a hiatus in importing goods in early 2021, we would ask that the ability to continue to demonstrate conformity by means of the CE marking be retained until a specified date is reached. We would suggest a period of up to 24 months depending on supply chain complexity. A phasing in arrangement was envisaged in the draft SIs prepared for the previous “no deal” scenario and we were assured that its duration would be subject to consultation with industry. We would welcome a consultation on this matter very soon, so that a decision can be taken.

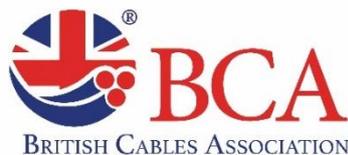
We cannot stress enough the urgency of this situation, otherwise businesses may be faced with no choice but to cancel forward orders for shipments of goods into the GB marketplace beyond 1 January 2021 until the Government requirements are clarified, resulting in likely product shortages and negative impact on economic performance.

Yours sincerely

Paul Hide
Chief Executive



Dr Jeremy Hodge
Secretary General



Vanda Jones
Executive Director



Howard Porter
CEO



Will Jones Chief
Operating Officer



Steve Schofield
Director & Chief Executive



Jack Semple
Alliance Secretary



Keith Warren
Chief Executive



Keith MacBain
Managing Director



Peter Hunt
Chief Operating Officer



James Selka
CEO



The Manufacturing Technologies
Association

Crispin Dunn-Meynell
General Secretary



Nigel Harvey
CEO



Julian David
CEO



Natasha Crookes
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