



Every two months, SGS Baseefa Technical Manager Ron Sinclair MBE gives his perspective on the latest developments in the world of standards.

Side effects of Brexit

As I write this, the UK is one full month into final separation from the EU. Clearly there has been chaos in many cross-border transit areas, but things are starting to move forward slowly.

The Northern Ireland Protocol has been brought into focus by the short-lived suggestion from Brussels that they would initiate a land border between Northern Ireland and the Republic, in order to establish control over supplies of COVID-19 vaccines. Hopefully, by the time this is in print, the problems of vaccine supply will have eased, and the border suggestion put back in its box. However, it has perhaps brought the customs border down the middle of the Irish Sea into focus in the minds of many people who did not consider it relevant to their own lives.

That Irish Sea customs border is not only relevant to those who live in and export goods to Northern Ireland. It directly affects how the recently appointed UK Approved Bodies for the various new regulations, and their customers, go about their business.

I can only speak directly for my own company, SGS Baseefa, but I am sure that most bodies that were automatically switched by the UK government from being an EU Notified Body to being a UK Approved body are having to take decisions about Northern Ireland. The fact is that we did not, as anticipated, totally lose our Notified Body status. We remain

a Notified Body for the purpose of offering documentation to support CE marking of equipment placed on the market in Northern Ireland, where the ATEX Directive (and most others) still apply. This is one of the reasons why the Approved Body number remains the same as the previous Notified Body number.

Therefore, we can continue to offer ATEX Certification, but having a very restricted use for the manufacturer. Such an ATEX Certificate would require the CE Marking on the product to be followed by the mark that confirms it is valid only in Northern Ireland.

In the ATEX field, we see little commercial purpose in this activity. The fact is that we (and presumably all other Approved Bodies in our sector who have EU-based partners) can arrange a "full" ATEX Certificate via our associated EU-based Notified Bodies, probably for exactly the same cost as the specific Northern Ireland only version.

Just as there is a forum for the European Notified Bodies to meet and agree matters (ExNBG for ATEX), we now have the UKEX Approved Bodies Group (ABG) that meets along with our accreditor (UKAS) and controlling government department (BEIS). Among the first decisions is that the certificates should be UKEX certificates, rather than ATEX certificates. We have agreed appropriate master certificate formats so that, as with ATEX, all UK AB's certificates will use a similar layout.

We have also agreed that, until BEIS gets around to publishing equivalent UK guidelines, we will take account of the current ATEX Guidelines published by the EU Commission, in order to ensure that the minimum of change is required by our customers. Among other things, this helps to clarify when a "borderline product" is either within or without the scope of the UK regulations.

We have discussed with BEIS where there is a potential problem with the exact wording of the Regulations and agreed that, until the

Regulations are amended, we will proceed exactly as we had been doing for ATEX.

The one area, where we are still not sure of the eventual outcome, relates to the use of ATEX marked components, originating outside the UK, but incorporated into UKCA marked equipment. ATEX components do not carry the actual CE Marking, as they are not intended for final placing on the market ready for installation but will be incorporated into the equipment by the equipment manufacturer. For sale in GB (but not Northern Ireland) the equipment will bear the UKCA Mark.

As a UK AB, we will no longer be entitled to rely on just the ATEX Component Certificate, but we can get around this problem by looking at additional documentation, particularly if the component also has IECEx documentation which will always be in the English language. We can still use an ATEX or IECEx certificate to define the component, even if the certificate does not automatically confirm conformity with the UK regulations.

The potential problem, from 1 January 2022 onwards, relates to the possibility that the paperwork accompanying that component may, or may not, be acceptable to allow import to GB for the purpose of incorporation in equipment which will, itself, be subject to certification. This is where we are seeking further clarification from BEIS. Who thought Brexit was going to be easy? ■

About the author

SGS Baseefa's Technical Manager Ron Sinclair MBE will continue to attend the European Notified Bodies Group for ATEX (ExNBG), although representing SGS Fimko, their partner EU Notified Body, now that the UK bodies are excluded. He is Chair of the IECEx Service Facility Certification Committee and a member of the IECEx Executive. He is chair of the UK Standards Committee operating in this area for electrical equipment, and recently retired as chair of the European committee.