Mutual Recognition of Conformity Assessments

Executive Summary

Conformity assessments are procedures used to determine whether a product meets a country's regulations for goods, ensuring safety, performance, and compliance with legislative requirements. Conformity markings include the UK's UKCA mark, and the EU's CE mark.

Mutual recognition agreements (MRAs) of conformity assessments allow countries to recognise each other's conformity assessment bodies and procedures, avoiding duplication of testing and certification for goods. This simplifies market access, creates smoother trade flows and reduces consumer costs. MRAs of conformity assessments are different to mutual recognition of professional qualification agreements (MRPQs).

The EU has MRAs of conformity assessments in place with countries including Switzerland, Australia, New Zealand, and Japan. The most recent EU trade deal including MRAs of conformity assessments is the EU-Canada CETA deal which came into force in 2017.

Similarly, the UK has MRAs of conformity assessments in place with countries including the USA, Switzerland and Canada. The UK included MRAs of conformity assessments in its recent post-Brexit free trade agreements (FTAs) with Australia and New Zealand. Provisions for MRAs of conformity assessments are also contained within the CPTPP, which the UK acceded to as recently as December 2024.

In contrast, UK-EU TCA does not contain provisions for MRAs of conformity assessments, which is contributing to increased barriers to trade in goods, increasing business and consumer costs for both the UK and EU.

In the context of the UK Government's relationship reset with the EU, and the upcoming UK-EU TCA review, MRAs of conformity assessments should be seen as a mutually beneficial, pro-growth policy proposal to reduce trade barriers and consumer costs in the UK and the EU, within the UK Government's negotiating red lines of not returning to the EU Single Market or Customs Union.

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1. Introduction to conformity assessments

Conformity assessments are procedures used to determine whether a product meets a country's standards or regulations, ensuring product safety, performance, and compliance with legislative requirements. These assessments are essential for maintaining consumer trust, market access, and regulatory oversight. Products assessed for conformity can bear marks such as the CE mark in the EU and/or the UKCA mark in the UK, which indicate compliance with applicable standards.

1.1. Mutual Recognition Agreements of conformity assessments

Mutual recognition agreements (MRAs) of conformity assessments allow countries/regions to recognise each other's assessment bodies and procedures, avoiding duplication of testing and certification[1]. This reduces costs, simplifies market access, and creates smoother trade flows. The UK's departure from the EU means that businesses selling in both the UK and EU markets must now

[1] European Commission

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ensure products meet the conformity standards of both including, for example, dual certification[2] where both the UKCA and CE mark requirements apply.

It is important to note that MRAs of conformity assessments are not the same as mutual recognition agreements for professional qualifications (MRPQs), which are sometimes called 'MRAs of professional qualifications'. In contrast to MRAs of conformity assessments (which apply to goods trade), MRPQs[3] apply to the services trade, and allow qualified professionals such as architects to practice in a different country with minimal additional training.

1.2. Accreditation

Accreditation is the process by which a national body formally recognises that an organisation, such as a Conformity Assessment Body (CAB), is competent to carry out testing, inspection, or certification of conformity. Post-Brexit, the UK and EU have distinct accreditation systems.

In the UK, the UK Accreditation Service (UKAS) is the sole national accreditation body, recognised by the UK Government to assess the competence of organisations that provide conformity assessment services[4]. UKAS is responsible for accrediting Conformity Assessment Bodies (CABs) to conduct assessments for the UKCA marking, which indicates that products comply with UK safety, health, and environmental standards. UKAS grants accreditation to CABs for a wide range of product categories: from machinery and electronics to medical devices and construction materials. Accreditation ensures that CABs are competent to assess products against the UK's specific standards which, in some cases, have diverged from EU's standards following Brexit.

In the EU, the European co-operation for Accreditation (EA) coordinates accreditation activities among EU member states to ensure uniform standards for conformity assessment across the Single Market[5]. Each EU member state has a National Accreditation Body (NAB) that is responsible for accrediting CABs within its territory. These bodies, like Germany's DAkkS or France's COFRAC, are coordinated under the EA framework to ensure consistent practices and standards across the EU. The EU's accreditation framework extends to third countries with which it has agreements, such as through Mutual Recognition Agreements. However, the UK currently does not have an MRA for conformity assessments with the EU, meaning UK-accredited CABs are not automatically recognised in the EU[6]. This results in increased business and consumer costs due to the additional

[2] Department for Business and Trade
[3] UK in a Changing Europe: Agreement on Mutual Recognition of Professional Qualifications (MRPQs)
[4] UKAS - About UKAS
[5] European Accreditation - Conformity Assessment Bodies
[6] European Commission - Mutual Recognition Agreements

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administrative and financial burden faced by companies looking to certify products sold in both the UK and the EU. In some cases, this has resulted in companies in both the UK and EU ceasing to export their products altogether.

2. *Conformity assessments in the UK*

Conformity assessments in UK law derive from retained EU law and domestic legislation. The outward symbol of this is the UKCA marking system introduced after Brexit. Many product categories are governed by sector-specific regulations that set detailed conformity assessment requirements. For example, the Electrical Equipment (Safety) Regulations 2016, the Toys (Safety) Regulations 2011 and the Medical Devices Regulation 2002.

2.1. Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019

The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019[7] were introduced in preparation for the UK's departure from the EU to ensure that product safety, accuracy, and consumer protections would not be diminished post-Brexit. Initially designed as a contingency for a 'no deal' scenario, these regulations established the UK Conformity Assessed (UKCA) marking, which signifies a product's compliance with UK laws and regulations. In addition, the regulations provided for the unilateral recognition of EU requirements and the CE marking, allowing products meeting EU requirements to be sold in the UK for a transitional period. Although this recognition was intended to be temporary, the law itself did not specify an end date for this provision.

2.2. Internal Market Act 2020

The United Kingdom Internal Market Act 2020[8] aims to preserve the seamless movement of goods and services across the UK's internal market. This Act includes several important provisions impacting conformity assessments. It establishes principles that prevent regulatory barriers within the UK by ensuring that products legally sold in one part of the UK can also be sold in other parts. This applies to goods bearing the UKCA mark, which are assessed against GB standards. The Act acknowledges the unique regulatory position of Northern Ireland under the Northern Ireland Protocol/Windsor Framework, which requires Northern Ireland to adhere to EU rules for goods,

[7] Product Safety and Metrology etc. (Amendment etc.)(EU Exit) Regulations 2019
[8] United Kingdom Internal Market Act 2020

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meaning that CE marking remains valid there for goods. This creates a "dual regulatory environment" whereby some products may require additional labelling or both UKCA and CE markings if they are to be sold across both Northern Ireland and Great Britain, increasing business and consumer costs due to the additional administrative burden.

2.3. Product Regulation and Metrology Bill

The Product Regulation and Metrology Bill[9], as introduced in the House of Lords, grants the UK Government the ability to make a "sovereign choice" to align with or diverge from EU regulations[10]. This bill would give Ministers the power to either mirror or diverge from EU product standards, the first of which they do not currently have. However, it's important to note that the bill does not impact whether the EU recognises UK product regulations as equivalent to its own, meaning it does not directly reduce trade barriers faced by UK companies exporting goods to the EU. Nor does it guarantee market access for UK products that meet EU standards.

3. Conformity assessments in the EU

The New Legislative Framework[11] (NLF) is a comprehensive set of EU laws adopted in 2008 to improve the internal market for goods by ensuring that products meet quality requirements and can move freely within the European Union. The NLF harmonises rules for product safety, conformity assessments, and market surveillance, enhancing consumer protection and fair competition across the EU. The NLF is composed of the following policies:

- Regulation (EC) 765/2008[12] setting out the requirements for accreditation and the market surveillance of products
- Decision 768/2008[13] on a common framework for the marketing of products, which includes reference provisions to incorporate in product legislation revisions
- Regulation (EU) 2019/1020[14] on market surveillance and compliance of products

[9] Product Regulation and Metrology Bill
[10] House of Lords - Library Briefing
[11] European Commission: New legislative framework
[12] Official Journal of the European Union - Regulation (EC) No 765/2008
[13] Official Journal of the European Union - Decision No 768/2008/EC
[14] Official Journal of the European Union - Regulation (EU) 2019/1020

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3.1. Regulation (EC) No 765/2008

Regulation (EC) No 765/2008 focuses on how products are accredited and checked within the EU, primarily addressing the role of national authorities in maintaining quality and safety. It defines how national accreditation bodies operate and how they assess the competence of conformity assessment bodies (CABs) that certify products, sets out the rules for the surveillance of products to ensure that only compliant products are available in the market. The regulation applies to all product sectors covered by EU harmonisation legislation. As a regulation, it is directly applicable in all EU member states without requiring national implementation.

3.2. Decision No 768/2008/EC

Decision No 768/2008/EC offers standardised reference provisions for future product-related laws to ensure consistent product safety, conformity assessment, and market surveillance practices across the EU. It does this by providing standard definitions of terms like "manufacturer," "importer," and "conformity assessment", and sets out responsibilities for manufacturers, importers, and distributors. It also defines the processes for ensuring that products meet applicable standards, including third-party testing and self-assessment procedures, and establishes the use of CE marking as a declaration that products meet EU regulations. As a decision, it is binding on EU member states but does not apply directly to products or the private sector. Instead, it guides future EU legislative acts.

3.3. Regulation (EU) 2019/1020

Regulation (EU) 2019/1020 enhances the effectiveness of market surveillance, updates the framework originally set out in Regulation 765/2008 to address gaps in market surveillance practices and adapt to new challenges, especially in the context of e-commerce and globalisation. It does this by reinforcing the capacity of national authorities to check the compliance of products both on the EU market and from non-EU imports. Like Regulation 765/2008, it is a directly applicable regulation in all EU member states, without requiring national implementation.

Table 1. Comparison of components of the New Legislative Framework

Aspect	Regulation (EC) No 765/2008	Decision No 768/2008/EC	Regulation (EU) 2019/1020
Purpose	Establishes rules for accreditation and	Provides a framework and	Strengthens market

	market surveillance	template for future legislation	surveillance and enforcement mechanisms
Conformity Assessments	Provides framework for how conformity is assessed via accredited bodies	Sets out standardised provisions for conformity assessments	Focuses more on enforcing compliance through surveillance, not assessment
Accreditation	Defines national accreditation systems for conformity assessment bodies	N/A	N/A
Customs	Creates mandate for customs forces in surveillance for non-EU products	N/A	Enhances customs' role, especially for online and imported goods
Binding nature	Regulation (directly applicable)	Decision (template for future legislation)	Regulation (directly applicable)

The Product Regulation and Metrology Bill cites in Part 1, Clause 5, Subsection a, the EU's Decision No 768/2008 on a common framework for the marketing of products, as "*relevant EU law*"[15]. In Subsection b of the same clause, the bill adds "*other EU law that has the purpose of harmonising the conditions for the marketing or use of products in the European Union*", which the other parts of the NLF could be considered part of.

4. The UK's existing MRAs of conformity assessments

After Brexit, the UK replaced many of the EU's Mutual Recognition Agreements (MRAs) of conformity assessments with continuity agreements to maintain smooth trade post-departure[16].

4.1. The UK's MRAs in bilateral FTAs

Some of these continuity agreements have since been superseded by new MRAs of conformity assessment as the UK has established FTAs with individual countries. This approach—updating MRAs of conformity assessments within the framework of broader agreements—appears to have been the previous government's preferred strategy, rather than negotiating MRAs of conformity assessments independently.

Table 2. The UK's Mutual Recognition Agreements of Conformity Assessments[17]

[15] Product Regulation and Metrology Bill
[16] House of Commons Library: UK replacement of the EU's external agreements after Brexit
[17] GOV.UK: Conformity assessment testing under mutual recognition or free trade agreements

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Country	Sectors covered	Remarks
Australia	- Medical devices (not in force) - Machinery - Low voltage equipment - Pressure equipment - Telecommunications terminal equipment - Electromagnetic compatibility (EMC) - Good manufacturing practice (GMP) of pharmaceuticals - Automotive products	UK's first post Brexit trade agreement.
New Zealand	- Medical devices (not in force) - Machinery - Low voltage equipment - Pressure equipment - Telecommunication terminal equipment - Electromagnetic compatibility (EMC) - Good manufacturing practice (GMP) for pharmaceuticals	Post Brexit trade agreement.
USA	- Telecommunication equipment - Electromagnetic compatibility (EMC) - Good manufacturing practice (GMP) of pharmaceuticals - Marine equipment	Continuity agreement replicating the EU-US agreement.
Switzerland	- Radio equipment - Noise emitting equipment for use outdoors - Transportable pressure equipment - Measuring instruments - Electrical equipment and electromagnetic compatibility - Good manufacturing practice (GMP) of pharmaceuticals - Good laboratory practice (GLP) of chemicals and motor vehicles - Financial sector	Continuity agreement based on the 1972 EU-Switzerland agreement, and new MRA in financial services.
Canada	- Good Manufacturing Practices (GMP) for pharmaceutical products	Continuity agreement replicating the EU-Canada agreement in anticipation for a full FTA.

4.2. Provisions for MRAs of conformity assessments in CPTPP

In addition to the bilateral MRAs the UK has adopted since Brexit, the UK's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) also brings a form of mutual recognition. According to the Government's summary of the agreement:

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"The [Technical Barriers to Trade] chapter requires CPTPP members to treat conformity assessment bodies (CABs) from other members no less favourably than their own domestic CABs (national treatment of conformity assessment bodies). This allows UK CABs to apply for accreditation and approval across CPTPP members" [18].

This means that, in the event of a UK CAB becoming recognised by a CPTPP member, then the cost to UK manufacturers seeking to export to that country could be reduced due to the reduction in conformity assessment procedures and bureaucracy.

5. The EU's existing MRAs of conformity assessment

Mutual recognition of conformity is already a core principle of the EU's single market, stemming from the European Court of Justice's Cassis de Dijon ruling. This ruling established that goods legally sold in one EU member state could be sold in any other without additional regulatory hurdles, laying the foundation for cross-border trade through recognition rather than harmonisation[19].

The EU's MRAs currently in force were largely negotiated during the 1990s with most agreements finalised within a decade, reflecting the EU's priority to reduce non-tariff barriers during this period. Over time, some MRAs have been updated and incorporated into broader free trade agreements (FTAs) to reflect evolving trading relationships. The Comprehensive Economic and Trade Agreement (CETA) with Canada exemplifies this, where an MRA component was added to streamline conformity assessments and certification processes as part of the larger FTA framework[20].

The EU distinguishes between two types of MRAs: "traditional" and "enhanced"[21]. Traditional MRAs focus narrowly on recognizing conformity assessments, allowing partner countries to perform testing and certification according to EU requirements, without accepting the underlying regulatory framework. In these agreements, the EU only acknowledges that a product has met EU standards based on testing conducted by recognised bodies in the partner country. This type is generally less comprehensive but still beneficial in reducing costs and delays associated with multiple rounds of testing and certification for exporters.

[18] CPTPP Agreement Summary
[19] European Commission: Mutual Recognition of Goods
[20] ECIPE: How Important are Mutual Recognition Agreements for Trade Facilitation?
[21] UK in a Changing Europe: Mutual recognition agreements (MRAs)

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Enhanced MRAs, by contrast, involve both the mutual recognition of conformity assessments and the acceptance of regulatory standards. In these agreements, the EU and the partner country recognise each other's regulatory requirements as equivalent, not just the testing processes. This deeper level of mutual recognition requires a high degree of regulatory alignment and can serve as a stepping stone toward closer economic integration. Enhanced MRAs are generally reserved for countries closely linked to the EU, such as Switzerland and nations preparing for EU accession, where regulatory alignment with the single market is either a condition or a strong expectation of the agreement.

The EU predominantly seeks enhanced MRAs, aiming to simplify trade while maintaining high regulatory standards aligned with EU law. However, the EU has shown flexibility in incorporating traditional MRA clauses into broader FTAs, particularly where full regulatory alignment may not be feasible or desirable. In these cases, the EU has included MRA provisions as a means of addressing trade barriers without requiring complete convergence of regulatory frameworks. The EU-Canada CETA agreement is a notable example, where the EU agreed to recognize certain conformity assessments as part of the FTA, facilitating trade in specific sectors without expecting the same degree of regulatory harmonisation found in enhanced MRAs. This approach allows the EU to maintain high regulatory standards domestically while improving market access for third countries in a more flexible, tailored manner.

Table 3. Comparison of some the EU's Mutual Recognition Agreements[22]

Country	Sectors covered	Remarks
Switzerland	- Machinery - Personal protective equipment - Toys - Medical devices - Gas appliances and boilers - Pressure vessels - Radio equipment and telecommunications terminal equipment - Equipment and protective systems intended for use in potentially explosive atmosphere - Electrical equipment and electromagnetic compatibility - Construction plant and equipment - Measuring instruments - Motor vehicles - Agricultural or forestry tractors - Good laboratory practice (GLP) - Medicinal products, GMP inspection and batch certification	In force since 2002. Most comprehensive, requires ongoing regulatory alignment. MRA hangs on trade in agricultural products and free movement.

[22] European Commission: Free Trade Agreements

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	- Construction products - Lifts - Biocidal products - Cableway installations - Explosives for civil use	
Australia	- Good manufacturing practice for medicines - Medical devices - Telecommunications terminal and satellite earth station equipment - Low-voltage electrical equipment - Electromagnetic compatibility of equipment - Industrial machinery, including tower and mobile cranes - Pressure equipment - Automotive products	In force since 2005. Requires close sector-specific cooperation.
Japan	- Telecommunications terminal and radio equipment - Electrical products - Good laboratory practice for chemicals - Good manufacturing practice for medicines	In force since 2002. and Complex regulatory differences limit coverage
New Zealand	- Good manufacturing practice for medicines - Medical devices - Telecommunications terminal and radio equipment - Electrical products - Electromagnetic compatibility of equipment - Industrial machinery including tower and mobile cranes - Pressure equipment	In force since 1997. Narrow scope limited to specific sectors.
Canada	- Electrical and electronic equipment - Radio and telecommunications terminal equipment - Electromagnetic compatibility - Toys - Construction products - Machinery - Measuring instruments - Hot-water boilers - ATEX equipment - Outdoor noise reducing equipment - Recreational craft and their components	In force since 2017. Dynamic framework for future sector expansion. Builds on framework from previous MRA from the 1990s.

6. *Conformity assessments in the UK-EU TCA*

MRAs of conformity assessments between the UK and EU covering a wide range of manufactured goods were first proposed by Prime Minister Theresa May[23], as part of the then Government's pitch for a 'common rulebook' for manufactured goods. The then Government also proposed a system for the mutual recognition of professional qualifications (MRPQs).

[23] The future relationship between the United Kingdom and the European Union

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At the time, the EU rejected the UK's proposals for a 'common rulebook' for goods due to the UK's unwillingness to commit to "level playing field" guarantees including regulatory alignment, taxation, state aid, and labour rights—areas the EU considered essential to protect its standards[24].

The resulting UK-EU Trade and Cooperation Agreement (TCA)[25], signed by the Boris Johnson government, therefore simply defines both party's commitments on conformity assessments and related procedures in Chapter 4 '*Technical Barriers to Trade*' (Article 88-Article 100).

Although the TCA makes limited provisions to reduce technical barriers to trade in sectors covering motor vehicles (Annex 11), medical products (Annex 12), chemicals (Annex 13) and organic products (Annex 14), **the TCA does not make provisions for MRAs of conformity assessments between the UK and EU.** Instead, it puts in place measures to ensure all goods moving between GB and the EU comply with each party's rules, creating the need for businesses placing products on both the UK and EU markets to comply with both conformity regimes.

This means that the UK and EU have no MRAs of conformity assessments in place, creating the additional burden of compliance for UK and EU businesses, and dual certification in some cases, for example where both a UKCA and CE marks are required. As a result, the UK could in future enjoy a higher level of mutual recognition with the 11 CPTPP countries compared to the EU, despite the EU being the UK's largest and nearest trading partner.

The UK-EU TCA only provides a framework for the negotiation of sector-by-sector arrangements for the *Mutual Recognition of Professional Qualifications (MRPQs)* between the UK and EU in Article 158[26], as defined in Annex 24. To date, no MRPQs have been negotiated or entered into since the TCA came into force.

7. The future of UK-EU MRAs

The EU-Canada CETA agreement could provide a flexible and efficient precedent for future MRAs on conformity assessments between the UK and EU, particularly if applied to industries which already enjoy higher levels of regulatory alignment. Under the EU-Canada CETA, MRAs facilitate trade in specific sectors by recognising each other's conformity assessments, which reduces the need for duplicate testing and inspection. For example, CETA's MRAs of conformity assessment

[24] European Parliament: The future partnership between the European Union and the United Kingdom
[25] The EU-UK Trade and Cooperation Agreement
[26] The EU-UK Trade and Cooperation Agreement

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include streamlined processes for automotive standards and pharmaceutical manufacturing, enabling smoother trade without requiring full regulatory harmonisation.

Industry support within the EU for new MRAs with the UK also signals potential for progress. A survey[27] conducted by the European Commission's Directorate General for Trade among EU-based conformity assessment bodies (CABs) in 2023 found strong support for expanding MRAs on conformity assessments within the bloc. Specifically, 59% of CABs expressed support for expanding existing MRAs, and 57% favoured the creation of new MRAs with additional countries. The UK was among the countries with above-average interest from CABs as a potential partner for future MRAs. Notably, sectors such as electrical and electronic equipment, construction products, and electromagnetic compatibility (EMC) emerged as top priorities for CABs regarding potential MRA coverage.

Similarly, both the UK-Australia and UK-New Zealand post-Brexit FTAs and the UK's recent accession to CPTPP could provide significant precedents for the inclusion of MRAs of conformity assessments as part of the UK Government's planned relationship reset with the EU and upcoming review of the UK-EU TCA.

In this context, UK-EU MRAs of conformity assessments should be seen as a feasible, mutually beneficial policy proposal, within the UK Government's negotiating red lines. Any such agreement would significantly reduce trade barriers for businesses on both sides, facilitating economic growth in both the UK and EU.

[27] Directorate General for Trade: Survey on Mutual Recognition Agreements (MRAs)

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