

# Orgalim call for an EU-UK Mutual Recognition Agreement on conformity assessment

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## Executive summary

Orgalim calls for the establishment of a Mutual Recognition Agreement (MRA) on conformity assessment between the EU and the UK.

A consequence of the UK leaving the EU is that UK-based Conformity Assessment Bodies (CABs) are no longer approved to certify for CE marking, reducing capacity and expertise in the market. The MRA would enable UK CABs to certify for the EU market, increasing the overall number of CABs able to provide such certification. Thanks to expanded testing capacity and higher competition among CABs, EU and UK manufacturers would benefit from reduced lead time for testing and lower costs for conformity assessment and certification.

The MRA would also provide a future-proof framework for EU CABs to continue to certify for the UK market in the future. This would provide much-needed long-term certainty to EU manufacturers that they will always be able to certify their products for the UK market relying on CABs based in the EU.

It is imperative that the MRA covers all existing pieces of EU product legislation (which are also currently in force in the UK) and includes a dynamic adaptation clause ensuring that it would cover all future EU and UK product legislation. The MRA must be accompanied by a permanent recognition of CE marking in the UK for all product categories to provide full legal certainty to exporters. Also, the EU and the UK must strive to maintain full regulatory alignment, to avoid harmful non-tariff barriers to trade and save companies significant human and financial resources that would be devoted to ensuring compliance with two different regulatory regimes.

Once the MRA is in place, the EU and the UK should build on it and implement additional measures to promote full market integration, with a view to rebuilding a common EU-UK single market for goods.

## Introduction – the importance of EU-UK trade

Orgalim represents Europe's technology industries, comprised of 770,000 innovative companies spanning the mechanical engineering, electrical engineering and electronics, ICT and metal technology branches. Together we represent the EU's largest manufacturing sector, generating annual turnover of €2,835 billion, manufacturing one third of all European exports and providing 11.7 million direct jobs. Orgalim has national association members in 17 EU countries, as well as Norway, Switzerland and the UK.

The UK is the EU's third largest overall trading partner, while the EU is by far the UK's biggest trading partner. EU-UK trade in machinery and electrical equipment was worth over €92 billion in 2023, accounting for 18% of all EU-UK trade. Technology industries in the EU and the UK have closely intertwined value networks that were built over decades when the UK was part of the single market. Following Brexit, the 2021 EU-UK Trade and Cooperation Agreement (TCA) has provided a solid basis for a stable and rules-based trading relationship between the EU and the UK. As global trade tensions are rising, **it is essential that the EU and the UK continue to cooperate to remove trade barriers and maintain a frictionless business environment for exporters on both sides.**

## Current challenges related to conformity assessment

**In order to be placed onto the EU and the GB markets, certain products may require assessment by a Conformity Assessment Body (CAB) to certify that they meet the minimum legal requirements of the market on which they are sold.** In the EU and the UK, several regulations foresee the possibility of a CAB to be involved in the conformity assessment process<sup>1</sup>. The involvement of a CAB can be mandatory or voluntary, depending on the relevant applicable legislation.

In the EU, following assessment by a CAB, manufacturers can affix the CE mark to their products and place them onto the EU market. Manufacturers can rely only on CABs located in the EU or in countries with which the EU has a Mutual Recognition Agreement (MRA) on Conformity Assessment<sup>2</sup>. While at the moment applicable product legislation in practice remains the same in the EU and the UK, following Brexit the UK adopted its own UKCA marking system, which manufacturers can use to declare conformity of products with UK requirements. In order to obtain UKCA marking, when required by applicable legislation, manufacturers can rely on "UK Market Conformity Assessment Bodies", most of which are located in the UK<sup>3</sup>.

A consequence of the UK leaving the EU is that the UK-based CABs are no longer approved to certify for CE marking, reducing capacity and expertise in the market. To avoid additional administrative costs for manufacturers, the UK has recognised CE marking for an indefinite period of time for most product categories<sup>4</sup>. This was a welcome step from the perspective of Orgalim as it helped to keep non-tariff barriers low for exporters on both sides.

**However, EU and UK manufacturers are negatively affected by the current regulatory landscape, since the overall number of CABs able to certify for the EU market has been reduced by Brexit, resulting in UK CABs being removed from the EU Notified Bodies list. This reduction in overall CAB capacity and expertise available for CE marking means that manufacturers face longer lead times, reduced availability for testing, as well as higher certification costs due to**

<sup>1</sup> The NANDO database provides the list of EU regulations which foresee the involvement of a CAB in the conformity assessment process:

<https://webgate.ec.europa.eu/single-market-compliance-space/notified-bodies/by-legislation>

<sup>2</sup> [https://single-market-economy.ec.europa.eu/single-market/goods/international-aspects-single-market/mutual-recognition-agreements\\_en](https://single-market-economy.ec.europa.eu/single-market/goods/international-aspects-single-market/mutual-recognition-agreements_en)

<sup>3</sup> <https://find-a-conformity-assessment-body.service.gov.uk>

<sup>4</sup> Currently, the only product categories that are excluded from CE marking recognition are: medical devices, marine equipment, rail products, cableways, transportable pressure equipment, unmanned aircraft systems.

**lower levels of competition among CABs.** EU manufacturers could face even greater challenges in the future. In the undesirable case in which EU and UK regulations diverge, they would be forced to rely on UK CABs for testing and certification to be able to affix UKCA marking to products and place them on the GB market.

Furthermore, UK representatives are not allowed to attend as observers the meetings of the European expert groups that are regularly held by the European Commission. While currently most regulations in the EU and UK are still largely identical, this lack of exchange will inevitably lead in the future to **diverging developments and interpretations of technical regulations**. In the long term, this will result in **unnecessary non-tariff barriers**.

## The solution: an EU-UK MRA on conformity assessment

**We call on the EU and the UK to conclude an MRA on conformity assessment as soon as possible**, while ensuring **permanent recognition of CE marking in the UK** and **maintaining full regulatory alignment** to minimise barriers to trade for manufacturers on both sides. It is vital that the MRA does not incentivise in any way regulatory divergence between the EU and the UK. The MRA should rather promote further market integration, with a view to eventually rebuilding a fully integrated EU-UK single market for goods with no barriers for exporters on both sides.

**The MRA would enable CABs located in the UK to certify for the EU market, increasing the overall number of CABs able to provide such certification. Thanks to expanded testing capacity and higher competition among CABs, EU and UK manufacturers would benefit from reduced lead time for testing and lower costs for conformity assessment and certification.** The EU already has several MRAs in place with key trading partners<sup>5</sup>, such as the US, Canada, Switzerland and Japan, which contribute to reducing technical barriers to trade and associated costs for exporters.

**The MRA would also provide a future-proof framework for EU CABs to continue to certify for the UK market in the future.** This would provide much-needed long-term certainty to EU manufacturers that they will always be able to certify their products for the UK market relying on CABs based in the EU.

It is imperative that the MRA covers all existing pieces of EU product legislation (which are also currently in force in the UK) and includes a dynamic adaptation clause ensuring that it would cover all future EU and UK product legislation. As laid out in our [key recommendations on trade policy](#) for the 2024-2029 legislative period, we believe that an EU-UK MRA on conformity assessment must be accompanied by a **permanent recognition of CE marking in the UK for all product categories** to provide full legal certainty to exporters. The EU and the UK must strive to maintain **full regulatory alignment, to avoid harmful non-tariff barriers to trade and save companies significant human and financial resources** that would be devoted to ensuring compliance with two different regulatory regimes.

Once the MRA is in place, the EU and the UK should build on it and implement additional measures to promote full market integration, with a view to **rebuilding a common EU-UK single market for goods**. One possible way to achieve this would be for the UK to join the European Economic Area (EEA), currently comprising all 27 EU Member States as well as Norway, Iceland and Liechtenstein. By joining the EEA, the UK would be allowed to participate in the EU single market, without being a EU Member. This would ensure the absence of any barriers to trade, as well as full and permanent regulatory alignment between the EU and the UK.

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<sup>5</sup> <https://webgate.ec.europa.eu/single-market-compliance-space/notified-bodies/mr-agreements>

## Conclusion

As global trade tensions rise, it is critical for the EU and the UK to strengthen their ties and work together to address mutual barriers to trade. **The EU and the UK should conclude a Mutual Recognition Agreement on conformity assessment as a matter of priority.** Such an agreement would cut the costs of conformity assessment and certification for exporters on both sides and provide a future-proof solution to ensure frictionless trade between the EU and the UK in the years to come. The MRA must be accompanied by **permanent recognition of CE marking in the UK** and by **appropriate measures to ensure full regulatory alignment between the EU and the UK**, with a view to rebuilding a common single market for goods.

Orgalim represents Europe's technology industries, comprised of 770,000 innovative companies spanning the mechanical engineering, electrical engineering, electronics, ICT and metal technology branches. Together they represent the EU's largest manufacturing sector, generating annual turnover of €2,755 billion, manufacturing one-third of all European exports and providing 11.6 million direct jobs. Orgalim is registered under the European Union Transparency Register – ID number: 20210641335-88.



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