

## **Guidance on UK product safety and metrology changes in a no-deal Brexit.**

The information in these guides only applies in the event of a no-deal Brexit. You should read it only to prepare for Brexit in a no-deal scenario. These guides provide information on the product safety and metrology regulations governing these specific sectors, as amended by the Product Safety and Metrology etc (Amendment etc) EU Exit Regulations 2019, and by the Product Safety, Metrology and Mutual Recognition Agreements (Amendment) (EU Exit) Regulations 2019. These guides set out how the Government intends product safety and metrology to apply in these sectors in a no-deal Brexit. Watch this space for further amendments and confirmation of when these new arrangements take effect.

The government have issued the website below which provides guidance for safety requirements, this includes overviews of specific product types. You can find particular reference to Toys and Cosmetics.

<https://www.gov.uk/guidance/uk-product-safety-and-metrology-in-a-no-deal-brexit>

The full Product Safety and Metrology document can be found:

<https://www.gov.uk/government/publications/uk-product-safety-and-metrology-guidance-in-a-no-deal-scenario>

The UK civil service has released an update to EU legislation impacted by a no deal Brexit, the link below goes direct to the EU exit Regulations first published in the UK in March but now updated for the pending no deal Brexit, if it happens. If the UK leaves the EU on Exit Day without a deal, 36 different sets of existing product safety and metrology legislation will be amended by the [Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#).

The changes will be limited and will not introduce a new policy regime. This guidance explains them, clarifying what businesses will need to know and what they will need to do differently. It does not cover legislation sponsored by the Health and Safety Executive or the Northern Ireland Office.

## **Importing to the UK in the event of a no deal Brexit including information on CE Marking**

The guidance for the UK covering all of the requirements however section 13 is directly applicable to toys and shows no significant changes other than to marking and labelling and updates the UK legislation for the use of the UKCA mark replacing the CE marking and the UK name and address, guidance on this is in the link below.

<https://www.gov.uk/guidance/placing-manufactured-goods-on-the-uk-market-if-theres-no-brexit-deal#your-business-sector>

## **Exporting from UK to EU in the event of a no deal Brexit including information on CE Marking**

There will be significant changes mainly from a logistics perspective but also from a representative within the EU for UK companies, this needs to be set up to ensure that your representatives details are on product going to the EU. So marking and labelling and application of the CE marking and the presence of an EU name and address will be required. Guidance on this is in the link below.

<https://www.gov.uk/guidance/placing-manufactured-goods-on-the-eu-internal-market-if-theres-no-deal>

## **CE Marking - Key facts in the event of a No Deal**

1. Parliament has only altered those legal provisions in UK regulations and the EU law now incorporated into UK law that would not work when the UK leaves the EU without changes. This will create a functioning regulated UK market.
2. The safety and other technical requirements have not changed.

3. Goods lawfully placed on the EU market before the UK leaves the EU can continue to circulate in the UK
4. Lawfully CE marked products will continue to be accepted by the UK for what is intended to be a time limited period
5. Products being placed on the UK market for the first time after the UK leaves the EU must meet the same technical requirements as now – but labelling or notification requirements may have changed.
6. There is a new UK Conformity Assessed marking (“UKCA”) which may be used for products to be placed on the UK market.
7. Manufacturers and importers will still be able to place goods on the UK market lawfully bearing the CE marking.
8. The UK will publish a list of references to designated standards that will have the same function as harmonised standards and give presumption of conformity to legal requirements. On Exit Day, the designated standards will be the same as the harmonised standards.
9. When the UK leaves the EU, the role and responsibilities of the manufacturer will be unchanged. However, some UK businesses which bring products into the UK from an EEA Member State and who were previously “distributors” from Exit Day become “importers” acquiring new legal duties. There is an 18-month transitional period for these “new” importers during which they can put their details on documentation accompanying the product, rather than on the product itself.

#### **Preparation for a No Deal: Regulatory**

1. Prepare artworks for UKCA marking
2. Ensure suppliers have EU representative and UK representative
3. Prepare for increase in paperwork for transit of goods between EU and UK
4. Ensure logistics teams are updated and aware of potential additional steps
5. Factor in potential delays for cross border transits into UK and EU.

Additional information has been published by the Confederation of British Industry (CBI)

- The business analysis of no deal.  
<https://www.cbi.org.uk/articles/what-comes-next-the-business-analysis-of-no-deal/>

Sources:

[www.Ul.com](http://www.Ul.com)

[www.gov.uk](http://www.gov.uk)

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