

## Product safety requirements and exporting to the EU

Product safety rules are an issue that remains under the radar in most Brexit (ecommerce) guidance and it is one area which UK manufacturers, wholesalers and retailers exporting to clients in the EU will need to pay close and ongoing attention to. This is because the trade deal agreed between the EU and the UK in December 2020 is a very slim agreement that is limited with respect to recognising product standards. For now, the UK rules on most products remain the same however they may diverge in the future and as of 1 January 2022, a mere seven months from now, the EU's CE mark can no longer be used for products placed on the UK market.

CE marking indicates that the product has been assessed by the manufacturer as meeting the relevant EU product safety rules. It is required for many products marketed in the EU, no matter where in the world they are manufactured.

The headache for businesses is that although the rules are for the most part still aligned, because the UK and EU legal and regulatory systems are now separate entities, they may need to be able to prove that their products are compliant with EU rules when they sell to EU customers. It means that products certified as safe in the UK are not necessarily certified for the EU and vice versa. The UK is now a third country for the purpose of trade with the EU which means we are outside their enforcement reach. Although most requirements remain the same at the moment, because the UK is now a third country, you need to keep an eye on whether your products continue to conform with product rules in both markets.

Wholesalers and retailers will need to check with the manufacturer that the product can be sold on both markets and that the relevant conformity assessments have been done. In some cases there is either no issue, or self-certification will be sufficient. In other cases EU certification needs to be obtained. The situation could be similar to the rules for export to the US where for instance, fire-safety testing of textile items such as cushions needs to be done in the US. To date, the UK has been flexible on insisting that EU products comply with UK safety rules providing they comply with EU rules. This flexibility will end as of 1 January 2022, when the EU CE mark will no longer be recognised in the UK, and you need a UKCA marking if your product requires safety testing. If you would like to continue to sell on both the EU and UK markets, you have to anticipate double testing, once for UK CA and once for the EU CE marking.

There is an annex at the back of the EU notice on industrial products with all the EU product safety rules which businesses should check.

For further information on rules of origin, expert trade and regulatory advice is available through **Haringey Council's Brexit Advice Support Service**, delivered on behalf of the council by Resilience Help. As a business based in the borough, you are able to access up to four hours of expert trade and regulatory advisory support.

To gain access to the Haringey Brexit Business Advice service, contact [Paula@resiliencehelp.com](mailto:Paula@resiliencehelp.com)