

## Trading with the EU after 1<sup>st</sup> January 2021

### Product Safety

From 1<sup>st</sup> January 2021 the UK will become a 3<sup>rd</sup> country to the EU and the following requirements will come into force.

You must comply with these requirements if you are trading your goods in the EU. Non-compliant goods will be refused entry to the EU and stopped at the border.

**THESE RULES APPLY WHEN TRADING YOUR GOODS IN THE EU. OTHER RULES MAY APPLY WHEN TRADING WITH THE UK.**

#### Key Information

- Authorised Representative (EU and UK)
- Labelling
- Safety Assessments
- CE/UKCA Mark
- Further advice

#### Authorised Representative

From 1<sup>st</sup> January 2021 the UK will be treated as a 3<sup>rd</sup> country by the EU.

Businesses in non-EU countries who wish to sell their products in Europe must appoint an Authorised Representative (AR) established (e.g. already trading) in the EU to act on their behalf.

The AR must be able to ensure that the products being sold on the EU market comply with European Directives, they must be willing to take responsibility for the goods.

Your AR's details (e.g. their name and address) will need to be placed on the goods for example, on the packaging, the instructions and the Declaration of Conformity.

If you are manufacturing goods for sale in the UK you will not need an AR, however, you will need to ensure your goods comply with UK legislation and include your business name and address on your goods.

## Labelling

The information you need to provide on your labelling will largely stay the same, however there are a few things you need to be aware of:

- The language on the label needs to be in the language of the Country where the product is first placed on the market. *As an example: if your goods land in France but are intended to be sold in Germany they would need to be labelled in German as a minimum*

There are labelling requirements for sector specific legislation, for example, toys and cosmetics. You will need to ensure your products are labelled correctly in line with the relevant legislation.

If you do not have the correct labelling and the relevant documentation, for example test certificates and declarations of conformity (where required) your goods may be stopped at the port.

If your goods are stopped you will be responsible for paying the costs of examination and storage, the cost of rectifying any problems and, if the issues cannot be rectified, the costs of destroying the goods.

Getting this wrong will have a significant impact on your business, it is vital that your products are labelled correctly and travel with the relevant documentation.

## Safety Assessments

From January 2021 UK test houses will lose their Notified Body status within the EU.

This will mean any product with a CE mark requirement and other non-CE marked goods that have testing requirements under the legislation will need to use a European certified test house, based in the EU.

For products marketed in Great Britain any relevant tests or assessments should be carried out by a Notified Body in Great Britain.

If you wish to market your products within the EU, you will need to ensure that any tests required are carried out by an EU Notified Body.

## UKCA Mark

The UK Government created the UKCA Mark which broadly follows the same principles as CE marking and essentially is a stamp to show that the product has been assessed under specific safety requirements.

You will need to use the new UKCA mark after 1<sup>st</sup> January 2021 if the following applies to your products:

- If your product is being supplied in Great Britain only.
- If your product is covered by legislation which requires the UKCA mark, for example: (this is not an exhaustive list)
  - Electrical goods
  - Personal Protective Equipment
  - Toys
  - Machinery
- If your product requires a mandatory third-party conformity assessment

This does not apply to existing stock, for example if your goods are fully manufactured and ready to place on the market before 1<sup>st</sup> January 2021, the CE mark is still acceptable.

Please see the link below for more information on when and how to use the UKCA mark. <https://www.gov.uk/guidance/using-the-ukca-mark-from-1-january-2021>

## Further Advice

We would advise to start dialogue and conversations now (if you are not doing so already) with your suppliers and customers to find out their plans with a view to aligning yours, as this may help minimise disruption to your business.

If you need advice to get your goods ready, ask Trading Standards.  
<https://mailchi.mp/kent.gov.uk/trading-standards-transition>

For further information, please see the links below:

- [www.gov.uk/transition](http://www.gov.uk/transition)
- [www.businesscompanion.info](http://www.businesscompanion.info)

**Act now to ensure you and your business are ready!**

