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## Trading goods regulated under the 'New Approach' if there's no Brexit deal

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### What does it cover?

- Future arrangements for the regulation of most goods covered by the **EU's New Approach**<sup>1,2</sup> and the immediate procedural changes facing businesses trading with the EU such as:
  - arrangements for conformity assessment (the testing of goods to ensure they meet relevant requirements).
    - these goods are subject to the EU-wide product specific rules.

### What will happen?

- After March 2019, in the event of no deal, goods *already placed on the market* can continue to circulate in the UK.
  - Additionally, goods that meet EU requirements (and were tested by an EU recognised conformity assessment body) can still be placed on the UK market.
    - This will be a time-limited measure.
- On *all other goods* - conformity assessment carried out by UK notified bodies will no longer be recognised in the EU
  - Products will have to be tested (or re-tested if only done by a UK notified body) by an EU recognised conformity assessment body.
- For some areas (set out in Annex A of the Notice) notified bodies based in the UK will be granted new UK 'approved body' status and listed on a new UK database.
  - Approved bodies will be able to assess products *for the UK market* against UK essential requirements (which will be identical to EU essential requirements).
  - Manufacturers selling goods on the UK market can then affix a new UK conformity marking before placing a product on the UK market.<sup>3</sup>
  - Manufacturers will not need to use these markings, if they have used the relevant EU marking after having their product assessed by an EU recognised body.
    - This will be a time-limited arrangement<sup>4</sup>.
- The United Kingdom Accreditation Service's role as the UK's national accreditation body,

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<sup>1</sup> includes goods regulated under the 'New Legislative Framework' as well as machinery

<sup>2</sup> This notice does not cover the following areas: Automotive (Vehicle type approval), Aerospace, Pharmaceutical products (Batch testing medicines, Medicines, Medical Devices and Clinical Trials, Submitting regulatory information on medical products), Medical devices (Medicines, Medical Devices and Clinical Trials, Submitting regulatory information on medical products), Chemicals, Goods subject to national regulations (Non-harmonised goods). Annex A sets out the specific EU goods regulations and directives covered by this notice. This list may be updated over time. Annex B provides additional detail regarding civil explosives.

<sup>3</sup> A separate UK marking to replace the wheel mark will be in place for marine equipment.

<sup>4</sup> Details of these markings will be published later in 2018 and with sufficient time to allow businesses to prepare.

including for most UK conformity assessment bodies, will remain as it is now.

## What will businesses have to do?

### *For manufacturers placing products on the UK market:*

- Products that meet EU requirements manufacturers can continue to be placed on the UK market without any need for retesting or re-marking, including where they have demonstrated compliance with EU requirements after exit day.
- Products that meet UK requirements and bear a UK conformity marking can be placed on the UK market, as long as any third-party testing required has been carried out by a UK-recognised conformity assessment body.

### *For manufacturers placing products on the EU internal market:*

- Products which were tested by a UK-based notified body will need to be retested by an EU-recognised conformity assessment body before placing on the EU internal market<sup>5</sup>
  - Alternatively, manufacturers can arrange for their files to be transferred to an EU-recognised notified body to allow for certificates of conformity issued by a UK-based notified body to continue to be valid.
- In either of the scenarios above, products where third-party testing is required would need to be re-marked with the new EU-recognised notified body's four-digit number.

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<sup>5</sup> (A list of EU-recognised conformity assessment bodies can be found on the NANDO database. After March 2019, in a no deal scenario UK-based bodies will no longer be listed on this database).