

No Brexit clarity in sight

Tuesday, November 20, 2018

The UK Cabinet has approved the draft, while the UK Parliament is expected to vote on the issue on 7 December. A positive parliamentary vote is currently highly uncertain. The EU Council is expected to vote on 25 November. If approved, the deal will be sent out to the 27 member countries for voting. This means that we most likely will not know until early 2019 if a dramatic 'Hard Brexit' will be the outcome.

If the UK leaves the European Union without an agreement on March 29, 2019, there would be significant consequences for many of Nemko's customers selling electrical and electronic products on the European Market. This concerns some major international companies.

It is important to note that no security for EU Market access can be given for manufacturers producing today for market entry in the EU after 29 March, 2019 if you are in one of the following categories of our customers:

1. You are a manufacturer in the UK
2. You are using a UK-based Authorized Representative for your products produced outside the EU
3. You are using a UK importer
4. Your products need to have a Notified Body and you have used a Notified Body in the UK

In the case of a Hard Brexit, EU laws and regulation would cease to apply in the UK on March 30th, 2019. EU law would not be binding in the UK territory. This means that export and import from UK will be regulated as for any other third country outside the EU or European Economic Area (EEA).

UK importers of products from third countries would no longer be able to act as an importer to the EU or an Authorized Representative for the EU, due to the requirement of establishment within the community. UK manufacturers selling into the EU (or EEA) would need an importer in the receiving country, with the contact details labelled on the product.

Nemko can offer advisory services to customers who need guidance in determining how to comply with EU rules in any eventuality.

"The most difficult issue in the case of a Hard Brexit, is the loss of notification rights of UK-based Notified Bodies," says Tidemann, Vice President of Energy and Environment in the Nemko Group.

Should there be no other agreement between the UK and EU in place, manufacturers that have used UK Notified Bodies for their conformity assessment will need to update their documentation and choose non-UK Notified Bodies. This applies for example to manufacturers of medical devices, products for explosive environments, and some radio products.

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