

Hard Brexit

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The possibility for UK crashing out of EU without a deal has increased during the last week. Prime Minister Boris Johnson plans to suspend Parliament. This is said by the opposition parties to be an attempt to force through a no-deal Brexit, or a Hard Brexit (as we have been calling it for the last two years).

Angela Merkel of Germany has given the UK prime minister 30 days to come up with a plan which can be accepted in both sides to avoid a Hard Brexit.

“Many manufacturers are not fully aware of the specific consequences for their company in the case of a Hard Brexit,” says Vice President, Energy & Environment, Jon Ivar Tidemann, at Nemko Group.

In the case of a Hard Brexit, EU laws and regulations would cease to apply in the UK on 31 October 2019. EU law would not be binding in UK territory. This means that UK export and import will be regulated as for any other country outside the EU/EEA.

UK importers of products from third countries would no longer be able to act as an importer to the EU or as 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 labeled on the product.

“The most difficult issue in the case of a Hard Brexit is the loss of notification rights of UK-based Notified Bodies,” says Tidemann.

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.

Nemko has warned that a Hard Brexit will bring total uncertainty for current sales channels through or to the UK for trade in Europe.

Trade and any travel between Northern Ireland and Ireland will most likely have to cross a customs and immigration border.

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