



Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

Competition and  
Consumer Protection  
Commission

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# Product Safety and Brexit





## What is the role of the CCPC?

The Competition and Consumer Protection Commission (CCPC) is the market surveillance authority and the competent authority in the Republic of Ireland for the safety of non-food consumer products covered by certain European Union (EU) Directives and EU Regulations as follows:

- [General Product Safety Directive](#)
- [Safety of Toys Directive](#)
- [Low Voltage Directive](#)
- [Appliances Burning Gaseous Fuels Regulations](#)  
(when intended for consumer use)
- [Personal Protective Equipment Regulations](#)  
(when intended for consumer use)

These EU Directives and EU Regulations have been transposed into Irish law by way of the following regulations:

- European Communities ([General Product Safety](#)) Regulations 2004
- European Communities ([Safety of Toys](#)) Regulations 2011
- European Union ([Low Voltage Electrical Equipment](#)) Regulations 2016
- European Union ([Appliances Burning Gaseous Fuels](#)) Regulations 2018
- European Union ([Personal Protective Equipment](#)) Regulations 2018



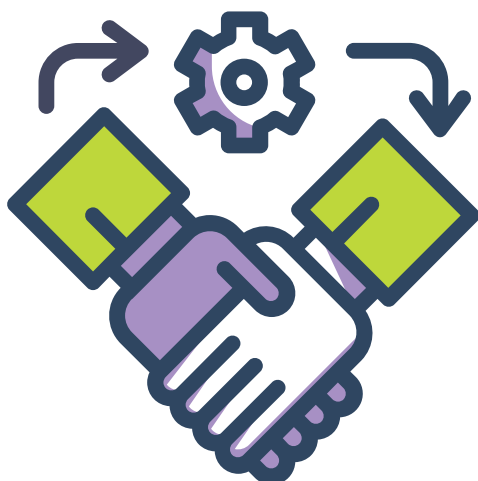
## The Withdrawal Agreement and transition period

On 1 February 2020, the United Kingdom (Great Britain and Northern Ireland) withdrew from the EU and became a 'third country'. The Withdrawal Agreement provides for a transition period which ends on 31 December 2020 and until that date, EU law in its entirety applies to and in the United Kingdom (UK). Once the transition period has ended, EU product safety legislation will no longer apply to Great Britain and this will have consequences for economic operators who source products from Great Britain for distribution or sale on the Irish market.



## Rules in Northern Ireland after the end of the transition period

Once the transition period ends on 31 December 2020, the Protocol on Ireland/ Northern Ireland ('IE/Ni Protocol') will apply for at least four years after the end of the transition period. The IE/Ni Protocol provides that certain EU laws, including the requirements of the General Product Safety Directive, Safety of Toys Directive, Low Voltage Directive, Appliances Burning Gaseous Fuels Regulations and Personal Protective Equipment Regulations, which apply in the Republic of Ireland, will also continue to apply to economic operators and products in Northern Ireland.



This means that products placed on the market in Northern Ireland will have to continue to comply with the applicable EU legislation after 31 December 2020. Therefore, it is vital to identify if you source your products from either Great Britain or Northern Ireland.

## Will your legal responsibilities change?

### 1

#### **Distributors may become Importers**

In accordance with EU legislation, an importer is the economic operator established in the EU who first places a product from a third country on the EU market. A distributor is any person in the supply chain, other than the manufacturer or importer, who makes a product available on the EU market. If you are an economic operator that currently sources products from the United Kingdom to distribute or sell in the Republic of Ireland, you are a distributor.

Once the transition period has ended, a manufacturer or importer established in Great Britain will no longer be considered to be an economic operator established in the EU. As a result, any economic operator established in the Republic of Ireland who, prior to the end of the transition period, was considered to be a distributor of products from the United Kingdom, will then become an importer for the purposes of EU law.

This means that if you are a distributor of products from Great Britain, from 1 January 2021, you will be an importer. Importers must comply with more stringent legal obligations than distributors. In particular, importers must check:

- The goods conform to the relevant product legislation
- The goods are labelled with the correct contact details, labelling and applicable warnings
- The correct conformity assessment procedures have been carried out
- The goods have the correct conformity markings
- The manufacturer has drawn up the correct technical documentation.

### 2

#### **Authorised Representatives must be based in the EU**

In some product areas, EU product safety legislation allows for the nomination by manufacturers of Authorised Representatives, who have specific tasks in relation to ensuring continued regulatory compliance of products and cooperating with market surveillance authorities. An Authorised Representative is a natural or legal person established within the EU who has received a written mandate from a manufacturer to act on the manufacturer's behalf in relation to the tasks specified in that mandate. Authorised Representatives must be established in the EU. If you are a manufacturer that currently uses any UK-based Authorised Representative they will lose that status at the end of the transition period, regardless of when products were placed on the market.

Therefore, if your product supply chain has any products where the manufacturer has appointed an Authorised Representative in the UK, those manufacturers must ensure that from 1 January 2021, when the transition period has ended, that their designated Authorised Representatives are established in the EU.

### 3

## Notified Bodies must be based in the EU

In some product areas such as personal protective equipment, appliances burning gaseous fuels and for some toys, EU legislation requires or permits the intervention of a qualified third party, known as a Notified Body, in the conformity assessment procedure which is required for that product before the product can be placed or made available on the EU market.

Notified Bodies must be established in an EU Member State and designated by an EU Member State notifying authority for performing the conformity assessment tasks as set out in the relevant EU product safety legislation. Therefore, once the transition period ends on 31 December 2020, UK Notified Bodies will lose their status as EU Notified Bodies. UK Notified Bodies will no longer be able to perform the conformity assessment tasks required under EU product legislation after the transition period ends.

Economic operators currently using UK Notified Bodies will either have to apply for a new certificate issued by an EU Notified Body or arrange for a transfer of the product file and the corresponding certificate from the UK Notified Body to an EU Notified Body, which can then take over the responsibility for that certificate. This responsibility depends on the specific conformity assessment procedure required for the product concerned under the applicable product safety legislation. The transfer of certificates from a UK Notified Body to an EU Notified Body must take place before 31 December 2020, the end of the transition period, on the basis of a contractual arrangement between the manufacturer, the UK Notified Body, and the EU Notified Body.

### Further Guidance

The CCPC cannot give legal advice. We would encourage all businesses to seek their own independent legal advice so as to satisfy themselves that they are compliant with their obligations in accordance with applicable product safety law.

This guidance is based on information published by the European Commission and the full text of the EU 'Notice to Stakeholders Withdrawal of the United Kingdom and EU Rules in the Field of Industrial Products' is available [here](#).

