EURIS Paper 10 - response to HM Government Position Paper - Continuity in the availability of goods for the EU and the UK

The Position Paper outlines the UK's proposals for the regulation of goods to ensure the availability of goods at the date of withdrawal and to support the move to a future relationship. It can be downloaded at https://www.gov.uk/government/publications/continuity-in-the-availability-of-goods-for-the-eu-and-the-uk-position-paper

From the paper (p3)

> *Principles for an agreement on goods*
>
> *15. To achieve these objectives, the UK proposes the following four principles.*
>
> *a. First, to ensure the continued availability of products on EU and UK markets at the date of withdrawal, goods placed on the Single Market before exit should continue to circulate freely in the UK and the EU, without additional requirements or restrictions.*

EURIS supports this principle.

We would seek clarity that "*goods placed on the Single Market before exit*" includes goods placed on the market in the UK before exit, which can then be freely exported to the EU after exit. This is covered in the EU Commission paper of 13 July as "made available on the market of the United Kingdom or on the single market". It also clarifies that this relates to those meeting "the product rules applicable at the withdrawal date".

We would advocate that there is clarity on the status for goods that are placed on the market before exit but serviced, repaired or refurbished after exit, especially where the goods will move between the UK and EU for this process.

We also request that provision is made for legacy support, where spare parts and components for goods placed on the market prior to exit can continue to be supplied without additional requirements or restrictions.

We agree that it is important to use standardised definitions and terminology across both UK and EU for clarity. The EU Commission paper sets out definitions for "Placing on the market", "Making available on the market" and "Putting into service" and we would support using the same in the UK.

> *b. Second, to avoid unnecessary duplication of activities and provide legal certainty, where businesses have undertaken compliance activities prior to exit, they should not be required to duplicate these activities in order to place goods on the UK and the EU market after exit. This includes recognising the validity of type approvals, certificates and registrations issued prior to exit.*

EURIS supports the principle that conformity assessment made before exit is still valid in both the UK and EU after withdrawal. Avoiding duplication is an important goal for mitigating additional burden to industry.

> *c. Third, to ensure that goods in circulation continue to comply with product legislation, and market surveillance authorities can ensure the necessary action is taken with respect to non-compliant products, the agreement should facilitate the continued oversight of goods.*

EURIS supports this principle, however we would not wish to see additional burden and cost placed on suppliers for traceability.

> *d. Fourth, where goods are supplied with services, there should be no restriction to the provision of these services that could undermine the agreement on goods*

EURIS supports this principle.