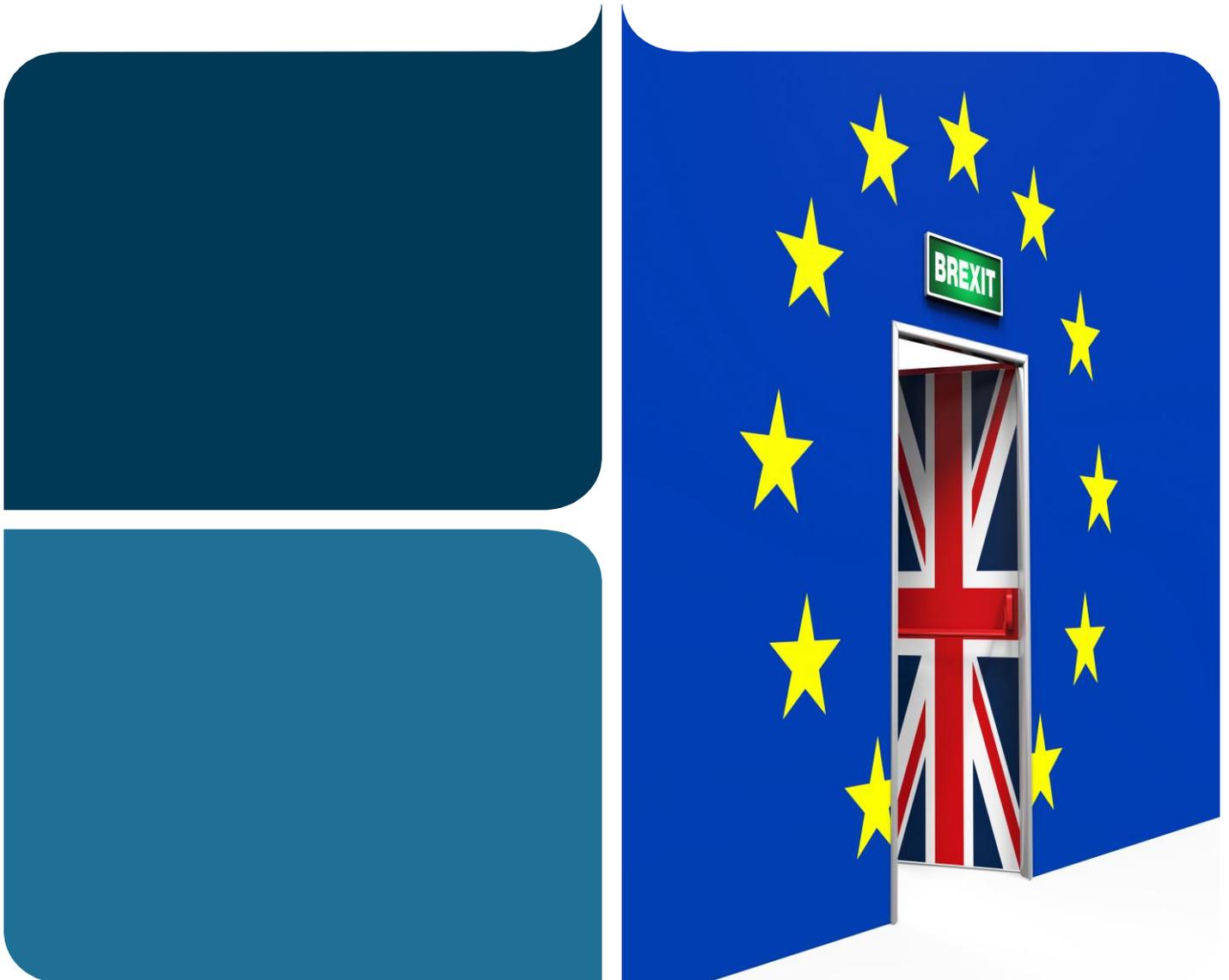


Brexit, standards & legislation – a **dhf** update



Introduction

We are frequently asked, by members and others, what effect Brexit will have on standards and legislation. This update is an attempt to clarify some of the issues.

Question:

Will we adopt British instead of European standards?

Answer:

No, for several reasons

BSI is a member of CEN, CENELEC and ETSI, the European standards bodies. These organisations are based in Brussels but are not part of the EU structure or agencies of the European Commission; they are independent bodies established under Belgian law. CEN, for instance, has 34 full members, including 6 which are not members of the EU. BSI has announced that it intends to remain a full member of the European standards bodies after Brexit. It is true that an amendment to CEN's rules will be required to permit BSI to remain a full member after Brexit, but BSI is confident that this will be achieved. This is helped by the fact that a CEN rule change only requires a two-third majority as compared with unanimity in the EU. Assuming that BSI remains a full member of CEN, CENELEC and ETSI, it will continue to be obliged to publish all European standards as BS ENs and to withdraw conflicting national standards.

The BSI catalogue contains about 37,000 standards. Of these, only some 16% are actually "home grown" British standards. They include some important ones, like BS 476, BS 7671 and BS 3621 but they are vastly outnumbered by standards developed either by CEN/CENELEC in Europe (32%) or by ISO/IEC internationally (52%). Of the ISO/IEC standards BSI has adopted, about half have been adopted indirectly via CEN/CENELEC, the other half being adopted directly. It is clearly impractical to ask BSI to create its own standards to replace even the

European element in the current standards catalogue.

In addition (see below), the UK government intends to retain EU legislation, including requirements for CE marking - this implies availability of European standards.

Question:

What is the future of CE marking?

Answer:

This is likely to remain in force, for the foreseeable future

The EU Withdrawal Bill (also known as the Great Repeal Bill) is currently making its way through parliament. The significance of this legislation is threefold:

- It repeals the European Communities Act 1972, thus removing the supremacy of EU law over UK law;
- It takes some 12,000 pieces of EU regulation and converts them into UK law, to prevent a legal "black hole" after Brexit;
- It enables the UK parliament to change these laws after Brexit, as the need arises.

However, we understand that there are no immediate plans to change the laws relating to CE marking. In any case, provisional agreement has been reached between UK and EU on a transitional arrangement to end on 31 December 2020, which would delay any major changes until after that date.

Question:**What will happen to UK notified bodies post Brexit?****Answer:****UK notified bodies will lose that status from the withdrawal date**

The Commission issued a paper on 22 January outlining the position. Unless there is a transitional arrangement, products placed on the EU-27 market after 29 March 2019 will not be able to rely on a UK-based notified body to perform any required conformity assessment tasks. UK manufacturers are advised to discuss this situation with their UK notified body in the first instance. It will be possible for notified bodies based in the EU-27 to sub-contract certain work to bodies (including their own subsidiaries) based in the UK after the withdrawal date, provided that the ultimate responsibility remains with the notified body established in the EU-27.

Previous notices

dhf issued information on the effects of Brexit in June 2016 and information on notified bodies for the Construction Products Regulation (EU) 305/2011 in February 2018. This information is freely available from the **dhf** website

Effects of Brexit

<http://www.dhfonline.org.uk/news/brexit--notice-to-members/49.htm>

Notified Bodies for the Construction Products Regulation (EU) 305/2011

<http://www.dhfonline.org.uk/news/notified-bodies-for-the-construction-products-regulation-eu-3052011/105.htm>

Glossary

BSI – British Standards Institution

CEN – Comité Européen de Normalisation (European standardisation committee)

CENELEC – Comité Européen de Normalisation Électrotechnique (European electrotechnical standardisation committee)

ETSI – European Telecommunications Standards Institute

EU-27 – the 27 countries remaining in the EU

ISO – International Organisation for Standardisation

IEC – International Electrotechnical Commission





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