


TOYS and "No Deal" BREXIT – Guidance for Third Country Companies Delivering to the UK only

After the "No-Deal Brexit" on 2020-01-31, it is now in the "UK/EU Transition period" (2020-02-01~2020-12-31), and the "UK Transition period" will start after 2020-12-31. This newsletter aims at providing Third Country Companies the information and guidance relating to the control of Toy Safety in UK, as affected by this historical event of "Brexit".

UK Toy (Safety) Regulations 2001 No. 1881:

The UK Toy (Safety) Regulation, which is now being revised, will be including all aspects of the EU toys directive.

Item	UK/EU Transition period:	UK Transition period
Date	2020-02-01~2020-12-31	After 2020-12-31
Compliance	EU and UK Toy (Safety) Regulations	UK Toy (Safety) Regulations
Marking	CE and UK Marking	 UK Marking
Address	EU and/or UK	UK only
Standards	Harmonized Standards	Designated Standards (will be published by the Secretary of State)
Declaration of Conformity	DoC under Toy Directive	UK Doc will apply, and format should follow EU's
Notified Bodies	EU Notified Bodies	UK notified bodies (under the EU system) will become Approved Bodies in UK
Type Approval	EC type approval	Same as EU

EU Directives and UK Legislation Related to Toys:

Currently, there are 30 directives and UK legislations related to Toys -- 27 are directives with UK legislations, and 3 are UK legislations but no corresponding directive in existing EU market. Seven of the most used legislations are listed as below, with their progress of amendments for the "No-Deal Brexit".

EU	UK Legislation	Notes	Scope
2009/48/EC <i>Toy Safety Directive</i>	2011 No. 1881 <i>The Toys (Safety) Regulations 2011</i>	(1)	All Toys
89/686/EEC Repealed by Regulation (EU) 2016/425 <i>PPE Personal Protective Equipment Regulation</i>	2002 No. 1144 <i>The Personal Protective Equipment Regulations 2002</i>	(1)	Protective accessories only
2014/35/EU <i>Low Voltage Directive</i>	2016 No. 1101 <i>The Electrical Equipment (Safety) Regulations 2016</i>	(1)	Electrical parts (non toy)
2014/53/EU <i>Radio Equipment Directive</i>	2017 No.1206 <i>The Radio Equipment Regulations 2017</i>	(1)	Radio Control and toys with similar emissions
2009/125/EC <i>Energy-Related Products Directive</i>	2010 No. 2617 <i>The Eco design for Energy Related Products Regulations 2010</i>	(2)	Accessories such as mains electric power supplies

2014/30/EU <i>Electromagnetic Compatibility (EMC) Directive</i>	2016 No. 1091 <i>The Electromagnetic Compatibility Regulations 2016</i>	(1)	Electrical toys
2011/65/EC <i>The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Directive (RoHS)</i>	2012 No. 3032 <i>The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012</i>	(3)	Electrical toys

(1) Amended by the “Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019”.

(2) Amended by the “Eco design for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019”.

(3) There has been a consultation by DEFRA about bringing RoHS 2017/2102 into UK law but no further information is available yet.

Guidance for Chemicals

1. REACH

- UK REACH will cover the reporting requirement on over 1 tonne per annum;
- REACH Annex XVII will be carried across to UK REACH;
- SVHC’s will adopt existing substances, but UK may not be following it on time. Possibility for divergence between UK and EU;
- Safety Data Sheets (SDS): EU REACH SDS will be valid under UK REACH.

2. Other Chemicals

CLP Classification, Labelling & Packaging: immediate impact is low. For Cosmetic Regulation 1223/2009, there is some concern for importer due to change of Responsible Person (PR).

Guidance for Customs

1. Nothing had changed at this moment;
2. Free Trade Agreement (zero tariffs) will be undertaken between UK and EU from 2021-01-01;
3. From 2021-01-01 onwards, following will be implemented:
 - **Customers and Trade Law:** under develop on coming months;
 - **Duty rate on imported Goods:** may not be higher than those currently applied by the EU (Toys 4.7% or zero depending on the tariff classification at this moment);
 - **Import and Export Declarations:** expected to be needed;
 - **VAT Imports:** Not clear for the moment. It is unknown whether the UK will introduce a Postponed Accounting for Import VAT or not.

References:

- <https://www.gov.uk/brexit>
- <https://www.gov.uk/guidance/the-chemicals-sector-and-preparing-for-eu-exit>
- <https://www.gov.uk/guidance/the-consumer-goods-sector-and-preparing-for-euexit>

STC (Hong Kong Standards and Testing Centre) is a not-for-profit, independent testing, inspection and certification organization. With a global network of ISO/IEC 17025 accredited testing laboratories and over 50 years of experience in consumer product testing, we can meet your conformity assessment needs with highly efficient and reliable service.

FOR MORE DETAILS, PLEASE CONTACT US :

Hong Kong: hktcd@stc.group
 Japan: jpo@stc.group
 Vietnam: vnstc@stc.group

Dongguan: dgtcd@stc.group
 U.S.A.: usstc@stc.group

Shanghai: shtcd@stc.group
 Germany: grstc@stc.group