



**Unilateral Declarations by the United Kingdom of Great Britain
and Northern Ireland and the European Union in the Withdrawal
Agreement Joint Committee on market surveillance and
enforcement**

24 March 2023

**UNILATERAL DECLARATION
BY THE UNITED KINGDOM
IN THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT
ON THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND FROM THE EUROPEAN UNION
AND THE EUROPEAN ATOMIC ENERGY COMMUNITY**

of 24 March 2023

on market surveillance and enforcement

The United Kingdom recalls its commitment to ensure a robust system of market surveillance and enforcement in the context of the unique arrangements agreed with the European Union in accordance with the Windsor Framework¹ to protect trade within the UK's internal market, and Northern Ireland's place in the UK's customs territory, while ensuring the integrity of the European Union's internal market and customs union.

The United Kingdom underlines that there must be robust enforcement to ensure that traders are not abusing these new internal UK trade arrangements to move goods into the European Union.

Market surveillance

The United Kingdom recognises the important role of market surveillance, and the work of market surveillance authorities and other competent authorities, in meeting these objectives. The United Kingdom will therefore continue to ensure that those authorities deliver a programme of activities which drive safety and compliance, including working with businesses to ensure they are aware of their obligations, assessing documentation and checking products on the market where relevant.

The United Kingdom will continue to:

- build capability and capacity amongst market surveillance authorities and other competent authorities;
- improve methodologies for product safety risk assessment;

¹ See Joint Declaration No 1/2023.

- ensure that relevant authorities have the necessary powers to undertake effective monitoring activity in the context of the international border between the United Kingdom and the European Union;
- support risk-based and intelligence-led activities from relevant authorities, including appropriate audits, inspections and spot checks, to check compliance against applicable requirements;
- use robust intelligence and data gathering to ensure a detailed evidence base for identifying emerging risks, including of possible movements into the European Union;
- use accurate and detailed information to inform policy and enforcement decisions; and
- share and receive information through any relevant IT systems on the compliance activities of market surveillance authorities and other competent authorities.

The United Kingdom will also continue to support cooperation with market surveillance authorities in other markets, via the Single Liaison Office for market surveillance.

Enforcement

Robust enforcement will not involve new checks or controls at the border between Northern Ireland and Ireland, but will mean enhanced activity by relevant UK authorities, in accordance with international best practice, with the European Union and Member State authorities where appropriate, in order to protect the UK internal market and the European Union's internal market and customs union, and robustly tackle illegal activity and smuggling, including by organised criminal groups.

With respect to goods subject to sanitary and phytosanitary rules, market surveillance and enforcement activities will further enhance the specific procedures set out in the applicable rules for the entry of those goods into Northern Ireland. In addition, the United Kingdom will reinforce its monitoring and enforcement activity to effectively manage the risks stemming from goods moved by parcel, recognising the particular reliance placed by consumers on those movements.

The United Kingdom will also maintain its strong regime of penalties for illegal trading and smuggling activities. This will be kept under close review, with a view to increasing penalties

relating to the abuse of these new rules by moving goods into the European Union if necessary to provide a further deterrent.

The United Kingdom will take effective, dissuasive and proportionate action in relation to potential non-compliance. This will include risk analysis, risk-based compliance action and ongoing risk assessments of trader populations, underpinned by sanctions and penalties.

**UNILATERAL DECLARATION BY THE UNION IN THE JOINT COMMITTEE
ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE
EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY**

of 24 March 2023

**taking note of the Unilateral Declaration by the United Kingdom in the Joint Committee
established by the Agreement on the withdrawal of the United Kingdom of Great Britain
and Northern Ireland from the European Union and the European Atomic Energy
Community of 24 March 2023 on market surveillance and enforcement**

The Union takes note of the United Kingdom's declaration on market surveillance and enforcement.