

Minutes of the second Trade Specialised Committee on Technical Barriers to Trade, 24th October 2022

The EU co-chair welcomed participants to the meeting. The provisional agenda as published in advance was adopted for the meeting. Both parties made an opening statement.

In its opening statement the UK outlined the importance of establishing and holding the three TBT sectoral working groups (motor vehicles, organic products and medicinal products) to support implementation of the chapter. The EU reiterated that these can only be established once the relevant rules of procedures are agreed at horizontal level and that prior to that the EU would like to see compliance by the UK with its obligations under all agreements.

Item 2 – Marking and Labelling

The UK provided an overview of the UK's new regime for goods, setting out the requirements and key changes for businesses placing goods on the GB market, as well as its guidance of 20 June 2022 aimed at:

- reducing re-testing costs (by allowing conformity assessment activities for CE marking completed by the 31 December 2022 to be used by manufactures, or relevant persons, as the basis for UKCA marking),
- removing the need to re-test existing imported stock,
- continuing to accept spare parts that repair, replace or maintain goods already on the GB market that meet the requirements that were in place at the time the original product or system was placed on the GB market and
- continuing to allow businesses to affix the UKCA marking, and to include importer information for products from EEA countries (and in some cases Switzerland) by using a sticky label or an accompanying document until 31 December 2025.

These changes do not apply to medical devices, construction products, cableways, unmanned aircraft systems, transportable pressure equipment, rail products and marine equipment, and departments responsible for these sectors are making sector specific arrangements to provide easement to businesses ensuring at the same time consumer safety.

On food labelling, the UK informed that it will delay new labelling requirements, requiring a UK address of the importer or Food Business Operator (FBO) until the 1 January 2024 which will allow some labelling terms and EU addresses to continue to be permitted on the GB market.

The UK proposed continued practical engagement with the EU and Member States to support businesses in placing goods on the UK market, of which the EU took note.

Item 3 – Conformity assessment

The UK presented the current implementation plan for the UK's conformity assessment framework. The UK outlined the capacity of the UK's conformity assessment market and that it has improved since 2021's TBT TSC. It also informed about the guidance on permissible subcontracting arrangements as well as about the specific arrangement for UK approved CABs in the pyrotechnics sector, to enable a third-party CAB to be established outside of the UK.

The EU informed that no new EU product legislation that would affect conformity assessment has been adopted since the previous TBT TSC, while proposals on machinery and construction products are in the pipeline and currently with the co-legislators.

Item 4 – Standardisation

The UK presented its new system of designated standards which is based on the same set of European and international standards that are used as a voluntary means of legal compliance with regulation across Europe. The British Standards Institute (BSI) continues to be a full member of the European Standardization Organisations CEN and CENELEC under a “non-EEA” member category and remains subject to principles of the European standardisation system, including the adoption of European standards and removal of conflicting national standards. New or amended European harmonised standards are put forward by BSI to provide a presumption of conformity to GB law. These are assessed by the relevant government department and designated either fully, partially, or not at all, depending on how far the standard meets the relevant GB essential requirements.

Item 5 - Product safety

Both parties made a presentation on product safety developments.

The EU presented the objectives of the proposed General Product Safety Regulation, such as safety of products sold online, even level playing field for businesses, new technologies, and the alignment of market surveillance rules with harmonised sectors. The EU explained how these objectives are addressed in the proposal.

The UK presented its Product Safety Review which examines a number of similar issues as those covered by the EU proposal, particularly in terms of online marketplaces, as well as electronic labelling on voluntary basis.

Item 6 - Motor vehicles and equipment and parts thereof (Annex 11)

The UK made a presentation of its provisional type-approval scheme. The new GB type approval scheme will enter into force as of January 2024 for passenger and goods vehicles and as of January 2025 for trailers. It will prescribe international standards as a basis for conformity in accordance with the TCA. Accordingly, the end of the acceptance of EU certificates of conformity is set for July 2026 and the validity of test reports issued by EU technical services will cease by 31 December 2026 for passenger and good vehicles and 31 December 2027 for trailers.

The EU informed that in the context of its market surveillance activities, the Commission inspected and tested two UK vehicle models in relation to their emission performance and two vehicle components/parts bearing UNECE type approval issued by the UK authorities in relation to their safety performance. The EU also informed that the UK authorities have been duly informed of these ongoing activities and have been requested to share all relevant documentation.

Item 7 – Chemicals (Annex 13)

The EU provided information on its intention to amend the CLP Regulation and to adopt a delegated act introducing new hazard classes to address chemicals affecting human and animal hormonal systems and chemicals that spread far and accumulate in the environment and would like to count on the UK’s support to propose the introduction of those hazard classes also in the UN’s globally harmonised system for chemicals hazard classification (UN GHS). The EU also provided an update on new/updated restrictions under REACH legislation and informed that the work on the REACH revision is in full progress as the aim is to present proposal in the 4th quarter of 2023.

The UK provided an update on chemical regulatory developments, highlighting the publication of its annual UK REACH work program and consultation on restriction proposals. The UK also outlined that work had started on how best to improve UK REACH and that this was being undertaken alongside

existing work to develop alternative transitional arrangements, all in consultation with industry and other parties. A timeline for when decisions on GB mandatory classification and labelling for substances and revisions to the GB Prior Informed Consent List of chemicals could be expected was also provided. The UK gave examples of where recent discussions and co-operation had taken place between the UK and the EU including on UN GHS and at the OECD.

Item 8 - Organic Products (Annex 14)

The UK presented updates on regulatory developments, in particular referring to the list of UK approved Control Bodies, the extension of certain derogations and plans for a review of the system of organics regulations. The EU provided an update on the new organics legal framework in application since 1 January 2022 and informed about on-going work on other legislative developments. In relation to the deadline of 31 December 2023 for reassessing organics equivalence, the parties agreed to start discussions at technical level. The UK confirmed that as of 1 January 2024 EU organic products will have to be accompanied by a Certificate of Inspection (COI). The parties agreed to follow-up at technical level to ensure that businesses are prepared.

Item 9 - Trade in Alcoholic beverages

With regard to further facilitation of trade in wines, the EU confirmed that it had taken all the steps necessary to implement the TCA provisions in relation to the simplified certificate and informed about on-going work to develop digitalisation of non-customs formalities. The UK reiterated its interest in electronic certification.

The UK updated about the review of their alcohol duty system, explaining the aims of the review and the timeline for its entry into force. The EU reminded that the EU wine industry replied to the UK public consultation, raising concerns in relation to the distortion that this new system could create among alcoholic products and the potential increased administrative burden for operators. The UK explained that these changes aim to reduce the level of distortion between different alcoholic products if looking at the system in aggregate, reducing the number of duty bands from 15 to 6. The UK referred to measures planned for wine that would ease the administrative burden on industry and informed that it intends to legislate in the next financial bill, with secondary legislation subject to consultation from stakeholders. The changes are due to be implemented in August 2023, with the wine easement measures lasting until 1 February 2025.

Item 10 – AOB

On whitelisting for UK manufacturers of active pharmaceutical ingredients (APIs), the UK sought clarification on the EU process for “whitelisting” exports of API. The EU described the process set out in Article 46b 2(b) of Directive 2001/83. Upon a request from a third country the EC will assess whether that country’s regulatory framework applicable to active substances exported to the Union and the respective control and enforcement activities ensure a level of protection of public health equivalent to that of the Union, the country is “whitelisted”.

Participation list

UK Delegation

- UK Co-chair of the Trade Specialised Committee on Technical Barriers to Trade
- UK Government Officials from BEIS, DHSC, FCDO, Defra, Department for Transport, HM Treasury, DLUHC
- UK Government Official from the UK Mission to the European Union
- Scottish Government Official
- Northern Ireland Executive Officials
- Welsh Government Official

EU delegation

- EU Co-chair of the Trade Specialised Committee on Technical Barriers to Trade
- European Commission Officials (TRADE, SecGen, GROW, AGRI, JUST)
- EU Officials from Delegation of the European Union to the UK
- Representatives of EU Member States

**The second meeting of the Trade Specialised Committee on Technical Barriers to Trade
(TBT) under the EU-UK Trade and Cooperation Agreement**

Brussels, 24 October 2022

10:00-14:00 (CEST) / 9:00 – 13:00 (BST)

Provisional agenda

(Brussels and via videoconference)

1	Opening remarks and adoption of the agenda
2	Marking and Labelling
3	Conformity assessment
4	Standardisation
5	Product safety
6	Motor vehicles and equipment and parts thereof (Annex 11)
7	Chemicals (Annex 13)
8	Organic Products (Annex 14)
9	Trade in Alcoholic beverages
10	AOB - Whitelisting for UK manufacturers of active pharmaceutical ingredients (APIs)
11	Closing remarks