

Information note: Implications of EU Exit for the EU Ecolabel Scheme

The purpose of this note is to inform businesses with products certified with the EU Ecolabel, through the UK competent body (Defra), of the position in the event of an EU Exit whether with a deal and an implementation period or in a no deal scenario.

Much directly-applicable EU legislation (that is, law that currently applies in the UK without any further legislation by our parliaments, including EU Regulations and Decisions) will automatically be brought into national law by the EU (Withdrawal) Act 2018 (“EUWA 2018”), as “retained EU law”. In some cases, this is not appropriate. In the unlikely situation where we leave the EU with ‘no deal’, our national bodies will no longer have the authority to grant Ecolabels and therefore the Ecolabel Regulation (regulation (EC) No 66/2010) will not be applicable.

What is EU Ecolabel?

The EU Ecolabel scheme is part of the sustainable consumption and production policy of the Community, which aims to reduce the negative impact of consumption and production on the environment, health, climate and natural resources. The scheme is intended to promote those products which have a high level of environmental performance through the use of the EU Ecolabel.

The EU Ecolabel is a voluntary scheme, which means that producers, importers and retailers can choose to apply for the label for their products. The functioning of the EU Ecolabel is governed by the Ecolabel Regulation (Regulation (EC) No 66/2010) and standards set out in Commission decisions. It is managed by the European Commission and Member State competent bodies, in the UK’s case, Defra acting through UK Ecolabel Delivery.

What happens when the UK leaves the EU?

In a ‘no deal’ scenario:

If the UK leaves the EU in a no deal context then as stated in the European Commission’s guidance of 8 February 2018 the United Kingdom will become a ‘third country’ and the Ecolabel regulation will no longer apply with the following consequences:

- The EU Ecolabel Competent Body designated by the United Kingdom (“the UK Ecolabel Competent Body”) according to Article 4 of the EU Ecolabel Regulation will lose its status and will not be in the position to carry out the tasks described in the EU Ecolabel Regulation. It will therefore be removed from the list of EU Ecolabel Competent Bodies on the EU Ecolabel website and its right to access the Ecolabel catalogue (ECAT) database will be removed.
- It will no longer be permissible for EU Ecolabels awarded by the UK Ecolabel Competent Body to be used on products placed on the EU-27 or the UK market as of the withdrawal date or on associated promotional material.

This Information Note should be taken as notice that the continued performance of contracts for licences to use EU Ecolabels issued by the former UK competent body, will become impossible, so in the event of a no deal exit, all such licences will automatically terminate.

Although the EU Ecolabel can no longer be used, the former UK Ecolabel Competent Body will be able to provide former licensees with a letter confirming that they previously held an EU Ecolabel certification valid until the expiry of the relevant product group criteria.

The UK will explore new labelling schemes as part of our forthcoming resources and waste strategy.

In a 'deal' scenario:

We have agreed the terms of our exit from the European Union, as set out in the withdrawal agreement. This was agreed by the EU member states at the special European Council on Sunday 25 November 2018. During the implementation period the UK would continue to operate the EU Ecolabel scheme as it is until the implementation period comes to an end. The future of the Ecolabel scheme after the implementation period will depend on the negotiations for the future economic relationship between the UK and EU.

What does that mean for my EU Ecolabel licence?

In a "No Deal" scenario, where economic operators hold an EU Ecolabel licence, issued by the UK Ecolabel Competent Body prior to the withdrawal date, they may wish to continue using the EU Ecolabel when placing a product on the EU-27 or wider market after the withdrawal date. To do so, they can apply for certification with an EU-27 Ecolabel Competent Body. The UK Ecolabel Competent Body will be able to support the transfer by providing the existing file. Following withdrawal, it will be possible for products carrying the EU Ecolabel certification from an EU-27 Ecolabel Competent Body to be sold within the UK.

In terms of sales on the UK market, the EU Ecolabel logo issued by the UK Ecolabel Competent Body can no longer be used. However, if a business wishes to indicate they previously had this certification, they may wish to contact the former competent body and request a letter to this effect.

In a deal scenario there would be no need to take action in the short term. The longer term position is dependent on the terms of the future economic relationship.

Further information section

European Commission Communication - Withdrawal of the United Kingdom and EU rules for the use of the EU Ecolabel:

http://ec.europa.eu/environment/ecolabel/documents/Notice_to_stakeholders_brexit_EU_Ecolabel_final.pdf

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