



No-deal Brexit: Impact on safety, health and environment legislation

1 September 2019

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While a range of outcomes, including [a departure under the terms of the current Withdrawal Agreement](#), remains possible, it is important for businesses to plan for a no-deal Brexit, in which the UK leaves the EU without a withdrawal agreement or other deal. Here we look at the potential impact of a no-deal Brexit on safety, health and environment (SHE) legislation.

Following the UK's vote to leave the EU in 2016 there seemed to be no significant drivers in the UK to change long-established regulatory systems mandated by EU legislation, many of which had originated in the UK, or had been heavily influenced by UK legislation. The government's stated intention to seek as close a relationship as possible with the EU after Brexit supported this view.

However, the UK government's failure so far, however, to secure parliamentary approval to its Withdrawal Agreement with the EU makes it increasingly likely that if Brexit occurs at all, it will mean leaving the EU without a deal.

Key issues

The terms of the European Union (Withdrawal) Act 2018 provide for the transposition of existing directly applicable EU law, including SHE legislation, into UK law, subject to limited powers for the government to adapt and remove provisions that are no longer relevant.

Accordingly, substantive legal continuity for SHE legislation, as far as domestic UK law is concerned, is assured. We also remain of the view that UK environmental, health and safety and product safety law would be unlikely to change dramatically following Brexit, in the short to medium term at least. However, in the event of a no-deal Brexit, the UK will become a third country immediately as far as the remaining member states are concerned, with no transitional period for businesses to adjust.

That has implications for businesses trading with remaining EU member states, particularly where compliance with SHE legislation in those states depends on a business being itself established, or represented by, a person established in a member state, or where particular aspects of SHE legislation have operated on an integrated basis across the EU, with common regulatory agencies.

Particular issues have related to the EU Emissions Trading System, ongoing compliance with REACH in the EU (and the proposed successor regime in the UK), product safety compliance and labelling.

Online guidance is available from the European Commission, the UK Government, and specific UK agencies including the HSE.

How DLA Piper can help?

As Brexit negotiations have continued, we've assisted clients prepare on ranging issues, including those relating to the transfer of authorisations and registrations, and labelling of products which may in fact be in transit to remaining EU member states on exit day.

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