



Fair trading

UK fair trading legislation maintains a balance between the principles of subsidiarity and EU maximum harmonisation restrictions. It is fair to say that the UK has had a major influence on EU consumer policy and our legislation has historically been a mixture of EU and UK consumer protection policy.

THE SITUATION IN 2021

Because the majority of EU consumer protection is found in UK domestic legislation, there appears to be little imminent impact on the actual legislation. However, many technical amendments have been made. These changes are primarily to remove references to the EU.

What has changed?

- » The UK is no longer party to the EU's Digital Single Market strategy. However, it is possible that UK law could be changed to ensure that businesses are not put at a disadvantage when trading in the EU.
- » Part I of the Consumer Protection Act 1987 (CPA) makes a manufacturer, own-brand or importer into the EU liable for any injury or harm caused by a product they sell.



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Issues to be resolved

- » Although fair trading legislation is not subject to any immediate substantive changes, challenges that do arise are likely to be exacerbated by the cuts to local trading standards services.
- » Uncertainty will generate more requests for guidance from businesses and present an opportunity for scammers to take advantage of consumers, particularly by basing themselves outside the UK.
- » Many UK businesses that buy from businesses elsewhere in the EU may not be aware that they may now be responsible for any injuries caused by their product. Effectively they will be treated as though they made the goods, when the manufacturer is outside of the UK.