



## Fair Trading Law

**Could European Court of Justice decisions still be used to interpret domestic legislation that originates from the EU (retained EU law)?**

**EU Withdrawal Act 2018 - section 6 (as amended)**

After exit day, no UK court or tribunal is bound by any decisions, made on or after that date, by the European courts. However, the courts may have regard to these decisions when interpreting retained EU law. UK courts and tribunals will not be able to refer any matter to the European courts after exit day.

EU decisions made before exit day will remain binding on lower UK courts and tribunals. However, the Supreme Court, the High Court of Judiciary and the Courts of Appeal will not be bound by these decisions and will be able to apply the same tests that they would when departing from their own decisions. Domestic case law, relating to EU retained law, will remain binding and subject to the normal rules of precedence.

**How are cross border consumer disputes going to be handled and have we agreed a reciprocal arrangement for EU consumer to business transactions?**

The European Consumer Centre (ECC) is currently only funded for one year until the end of 2021. The ECC will be the best that we have for disputes outside of the UK.

**After the Transition period ends will the EU Online Dispute Resolution platform still exist and will businesses still be obliged to provide the ODR link, as they do now?**



The Online Dispute Resolution platform will close from 31 December 2020 for the UK.

**NO**

After this date traders established in the UK will no longer be able to access their ODR dashboard. Businesses will not need to provide an ODR link because it won't be available to those in the UK.

**As the CPR's originate in EU Law will the UK adopt further amendments (Directive (EU) 2019/2161) as they occur?**

The Omnibus Directive is due to be implemented by the EU Member states before the 28 November 2021 and the UK will need to decide if they mirror this in UK Legislation.

**Will most/all EU derived Fair Trading legislation remain and how will the legislation be named?**

**NO CHANGE** 

All the domestic EU derived legislation will remain in place (Section 2,3,4 & 7 of the EU Withdrawal Act 2018).

There will be technical amendments to the current legislation to remove any EU references



For more information about how EU Exit could affect trading standards, and to take the EU Exit training course, visit [www.tradingstandards.uk/euexit](http://www.tradingstandards.uk/euexit)



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