

Provision of the Declaration of Performance for imports from non-EU countries shipped before 1 July 2013 for arrival after this date.

Imports to the UK originating from non-EU countries will be shipped well in advance of the 1 July 2013 deadline when the CPR comes into force. This raises the question at what point will these products be classed as having been made available on the market?

The product is considered to have been made available on the market when its ownership has been transferred from the manufacturer to the importer **and** the product has been released by UK customs **and** it is not in a custom free zone. Thus, for a product shipped FOB, the ownership will change hands when the product crosses the ship's rail during loading in the foreign port. If the contract is on a CIF basis, then ownership would not change until the product was offloaded at the port of destination. However, both situations are subject to the ruling that being made available on the market is not considered to have taken place until the product is released by customs for free circulation.

The date the import is released by customs is, therefore, the date dictating whether the product is required to be covered by a Declaration of Performance (DoP), or by its predecessor, a Declaration of Conformity (DoC). If the date of customs release is on or after 1 July 2013, then a DoP will be required. Therefore, products scheduled to arrive in UK ports on or after 1 July 2013 will require a DoP being drawn up in advance of their shipment date even if this is well before the 1 July deadline.

This situation changes if the importer is considered a manufacturer under Article 15* of the CPR. The Blue Book states "Placing on the market is considered not to take place where a product is transferred to a manufacturer for further measures (for example assembling, packaging, processing or labelling)." Therefore, the product will not be placed on the market until there has been a further supply.

Notes:-

This information comes from the Blue Book, section 2.3.1.

Link to the Blue Book - http://ec.europa.eu/enterprise/policies/single-market-goods/files/blue-guide/guidepublic_en.pdf

* Article 15 states – An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer pursuant to Article 11, where he places a product on the market under his name or trademark or modifies a construction product already placed on the market in such a way that conformity with the declaration of performance may be affected.