



**Motorcyclists' clothing, gloves and footwear
and
The Personal Protective Equipment Regulation 2016/425 as amended**

Frequently Asked Questions

UPDATE 2022: Amendments to legislation post EU Exit from 1st January 2021

From the 1st January 2021, the EU PPE Regulation 2016/425 as incorporated into UK law, has been amended to enable the Regulation to continue to function effectively upon the UK leaving the EU.

What this means in practice is that EU terminology has been amended but the technical aspects of the PPE Regulation 2016/425 have not changed, and therefore, PPE placed on the GB market must still comply with the Essential Health and Safety Requirements of the Regulation, undergo the required testing and certification routes applicable to the category of PPE and be accompanied by a Declaration of Conformity. The product must be labelled correctly and include the Manufacturer's instructions for use.

PPE sold in Northern Ireland will need to continue to comply with the EU Regulation 2016/425 as it was pre: 1st January 2021.

For further advice on ensuring your products meet the legal requirements for placing on the GB, NI and /or EU markets please check the links provided at the end of this document.

Q1. Is motorcyclists' clothing covered by the PPE Regulation?

A1. Yes.

In January 2016, the European Parliament decreed that the new Regulation would apply equally to motorcyclists' clothing – jackets, trousers, suits, gloves and footwear, as well as components such as back protectors, limb impact protectors and inflatable body protection. In subsequent clarification, rainwear for non-professional use has been identified as the single exclusion from the motorcyclist's wardrobe, but only if impact protectors cannot be fitted.

Q2. When does this all happen – I have heard conflicting information?

A2. It has already happened.

The PPE Regulation was fully implemented on 21st April 2018. Between April 2018 and April 2019 manufacturers could supply products compliant to either the previous Directive or the new Regulation. However, only products compliant with the Regulation can now be placed on the market.

In other words, compliant product with the Directive and placed on the market prior to April 2019 can legally continue to be sold through. Any new products which are now being placed on the market for the first time must fully comply with the Regulation for any market that you supply.

For any motorcycle clothing that was not within scope of the Directive, yet is now within scope of the Regulation, must now comply. It is ultimately the responsibility of the economic operator to ensure that evidence is available to indicate when the product was placed on the market showing regulatory compliance.

Q3. I supply motorcycle clothing. What are my responsibilities?

A3. The PPE Regulation explains the distinctions between the responsible persons in the supply chain, which are collectively known as “economic operators”, which includes manufacturers, authorised representatives, importers and distributors:

- 'manufacturer' means any natural or legal person who manufactures PPE, or has it designed or manufactured, and markets it under his name or trademark. The manufacturer is considered to be best placed to carry out the conformity assessment procedure and is responsible for the testing and certification.
- 'authorised representative' means a person or company which has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks. They are responsible for making available the Declaration of Conformity and for liaison with the market surveillance and enforcement authorities.
- 'importer' means a person or company which places PPE from another third country on the GB market. They are responsible, for example, for performing thorough due diligence, before placing PPE on the market, including ensuring the correct testing and certification processes have been completed, that all documentation is in order, maintaining a record of any complaints received about the product and running batch -testing to ensure standards are maintained across different production runs.
- 'distributor' means a person or company other than the manufacturer or the importer, who makes PPE available on the GB market, these are mostly retailers. They are also required to exercise due diligence; primarily ensuring that the correct product labels and user information are present.

Q4. I am a retailer. What are my responsibilities under the legislation?

A4. Retailers have the same responsibilities and obligations as a Distributer, however, if you are a retailer placing your own brand of motorcycle clothing on the GB market, then it is most likely that you will be the manufacturer and will have to comply with those legal responsibilities. (See Q6).

Q5. I am a retailer. What happens to the stock I already have in my shop? Can I continue to sell it?

A5. For compliant products first placed on the market before 21st April 2019, the answer is yes, and that stock can continue to be sold through (see Q2).

Yet economic operators will need to ensure they can make available, upon request, evidence of when the products were placed on the market.

Q6. I am a retailer, but I sell a range of own-brand motorcycle clothing that I purchase from a factory outside the UK. How does this affect me?

A6. As you import clothing bearing your own brand from outside the UK, you are deemed the Manufacturer and therefore take on the same legal responsibilities as those of a manufacturer. You must arrange for your products to be independently tested and certified.

Q7. Does this only affect off-the-peg clothing from the major brands, or are made-to-measure suits, including track and race day suits, also required to be tested and certified as PPE under the PPE Regulation?

A7. All motorcyclists' clothing that is not exempt (e.g: waterproof clothing with no protective component parts) is covered by the PPE Regulation – ready made or custom-made.

Q8. Does Motorcycle clothing sold via on-line platforms have to comply with the PPE Regulations?

A8. Yes.

Any motorcycle clothing being placed on the GB market must comply with the PPE Regulation. It makes no difference if the PPE was sold by an online business or retail premise.

A9. I have been told that the standards for motorcyclists' clothing haven't been published yet, so I don't need to take any action until they are.

A9. This is incorrect.

The PPE Regulation sets out what must be done, by whom and by when. Standards are a separate thing entirely and yet they provide a means to satisfy the legal obligations of the Regulation.

The list of UK published standards, now known as Designated Standards, provide a presumption of conformity of the compliance of PPE to the essential requirements of the Regulation. At the time of writing, the majority of the draft standards relevant to motorcycle clothing PPE have now been published and can be found on the Gov.uk website:- <https://www.gov.uk/government/publications/designated-standards-ppe>

Quite simply, if your products are not already certified, then you are supplying non-compliant, and therefore illegal motorcycle clothing PPE onto the GB market.

Q10. Where can I get my motorcycle clothing products tested?

A10. A number of test houses (UK Approved Bodies) are equipped and have been officially accredited to test assess and certify your products. A trade association, such as the British Safety Industry Federation (www.bsif.co.uk), should be able to assist you with further information. Another source of information for Approved Body test houses is via the UKAS

website: <https://www.ukas.com/find-an-organisation/> or there is also an updated list on the Gov.uk website:- <https://www.gov.uk/uk-market-conformity-assessment-bodies>

Q11. How can the consumer check that apparel for motorcyclists has been correctly tested and certified?

A11. The Conformity assessment mark, known as the CE mark (still applicable in GB for a limited period only), and now the UKCA for products placed on the GB market, is required to appear on the product. In garments, fitted impact protectors must feature this, as well as the garment itself. The user instructions are also required to be supplied with the product, which should include details of the certification body and the standard against which the product has been tested and certified.

Finally, a copy of the manufacturer's Declaration of Conformity must either be provided with the product or the user instructions can include a link to a web page where it can be accessed. The Declaration of Conformity is required to provide the manufacturer's name and address details, the product name, the standards to which it was tested, details of the certification body, and the certificate number. The Importers name and address should also be provided with the item.

Q12. Hasn't our leaving the EU prevented all this from being necessary?

A12. No. The EU PPE Regulation was already preserved in UK law with effect from 21st April 2018 – before the conclusion of the EU Exit process.

Our leaving of the EU has meant that the legal responsibilities may have changed dependent upon where you sit in the supply chain and which markets you supply. For example; where you may have been a Distributer supplying PPE from the EU to the UK market pre: EU Exit, you will now become an Importer of those goods into the UK with more onerous obligations placed upon you to ensure that only compliant and safe PPE is supplied.

Useful links for further information and guidance:-

Check the Gov.uk website for the most up to date guidance:

<https://www.gov.uk/guidance/product-safety-advice-for-businesses>

<https://www.gov.uk/government/publications/personal-protective-equipment-enforcement-regulations-2018>

We would also advise that you contact your local Trading Standards service for further tailored advice. You can find your local Trading Standards team here:

<https://www.tradingstandards.uk/consumers/support-advice>