Draft Regulations laid before Parliament under paragraphs 1(1) and 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No. XXX

EXITING THE EUROPEAN UNION

CONSUMER PROTECTION

ELECTROMAGNETIC COMPATIBILITY

ENVIRONMENTAL PROTECTION

HEALTH AND SAFETY

MARKET STANDARDS

ACCREDITATION OF SERVICES

TELECOMMUNICATIONS

WEIGHTS AND MEASURES

The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

(**a**) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1); section 8C was inserted by section 21 of that Act and paragraph 21 of Schedule 7 was amended by section 41(4) and Schedule 5, paragraph 53(2) of that Act.

In accordance with paragraphs 1(1) and 8F(1)(**a**) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory Provisions

Citation and commencement

1.—(1) These Regulations may be cited as the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020.

(2) Except as provided in paragraphs (3) to (5), these Regulations come into force on IP completion day.

(3) This Part and Part 6 come into force immediately before the coming into force of regulation 2(1) of the Product Safety and Metrology (Amendment) (EU Exit) Regulations 2020(**b**).

(4) Part 4 comes into force immediately before IP completion day.

(5) Part 5 comes into force immediately before the coming into force of regulation 10 of the Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019(**c**).

Extent

2.—(1) This Part and Part 2 extend to England and Wales, Scotland and Northern Ireland.

(2) Part 3 extends to Northern Ireland only.

(3) Any amendment or revocation made by Parts 4, 5 and 6 has the same extent as the provision amended or revoked.

(4) Part 7 extends to England and Wales and Scotland only.

PART 2

Form of the UK(NI) indication

Form of the UK(NI) indication

3. Schedule 1 sets out the form of the UK(NI) indication.

PART 3

Amendments to legislation in respect of Northern Ireland

Amendments to legislation in respect of Northern Ireland

4. Schedule 2 contains amendments to legislation relating to Northern Ireland in respect of the UK(NI) indication and related matters.

(**a**) Paragraph 8F of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 18) was inserted by section 41(4) and Schedule 5, paragraph 51 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(**b**) S.I. 2020/852.

(**c**) S.I. 2019/1246; amendments were made by S.I. 2020/852 but some of those amendments are being omitted by this instrument.

PART 4

Amendments to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019

Amendment to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019

5. Schedule 3 contains amendments to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019(**a**).

PART 5

Amendment to the Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019

6. Omit regulation 10(a) and (b) of the Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019.

PART 6

Amendment to the Product Safety and Metrology (Amendment) (EU Exit) Regulations 2020

7. Schedule 4 makes amendment to the Product Safety and Metrology (Amendment) (EU Exit) Regulations 2020.

PART 7

Amendment to retained EU law in respect of authorised representatives

8. Schedule 5 makes amendments to legislation in respect of authorised representatives.

Name
Parliamentary Under Secretary of State
Date Department for Business, Energy and Industry Strategy

(**a**) S.I. 2019/696, amended by S.I. No. 2019/1246, S.I. 2020/676 and S.I. 2020/852.

SCHEDULE 1

Regulation 3

UK(NI) indication

1. The UK(NI) indication consists of the initials UKNI taking the following form—



2. Where the UK(NI) indication is reduced or enlarged, the proportions given in the graduated drawing in paragraph 1 must be respected.

3. Where a relevant enactment does not require specific dimensions, the UK(NI) indication must be at least 5 millimetres high.

4. In this Schedule "relevant enactment" means any enactment which provides for the UK(NI) indication to be affixed to or in relation to a product.

SCHEDULE 2

Regulation 4

Amendments to legislation in respect of Northern Ireland

1.—(1) The Measuring Container Bottles (EEC Requirements) Regulations 1977(**a**) are amended as follows.

(2) In the Schedule (adaptation for Northern Ireland)—

(a) after paragraph 1(b) insert—

"(c) after the definition of "production control records" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020(**b**).".

1A. After regulation 5(2) insert—

"(3) Where the Secretary of State has approved a submitted mark pursuant to regulation 6, the manufacturer's mark must be accompanied by the UK(NI) indication.".";

(**a**) S.I. 1977/932, amended by S.I. 1985/306 and S.I. 2015/1630 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.

(**b**) S.I. 2020/XXXX.

(b) in paragraphs 2 and 4 for "Department of Commerce" substitute "Department for the Economy";

(c) after paragraph 3 insert—

"**3A.** After regulation 9 insert—

"UK(NI) indication

9A. Where an inspector finds that a person is in possession in the course of business of any individual measuring container bottle which—

(a) is marked with a manufacturer's mark which has been approved by the Secretary of State; and

(b) is not accompanied by the UK(NI) indication

an inspector must give directions to that person that the bottle may not be sold or supplied with the EEC sign."

3B. In regulation 10(4), for "Regulation 9" substitute "Regulation 9 or Regulation 9A".".

2.—(1) The Noise Emissions in the Environment by Equipment for Use Outdoors Regulations 2001(**a**) are amended as follows.

(2) In regulation 2(2) after the definition of "sound power level LWA" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020.".

(3) For regulation 7(2)(c) substitute—

"(c) in accordance with regulation 11, it bears the—

(i) CE marking, accompanied, where regulation 11(2A) applies, by the UK(NI) indication;

(ii) indication of the guaranteed sound power level;".

(4) After regulation 11(2) insert—

"(2A) Where a notified body established in the United Kingdom appointed pursuant to regulation 14 has carried out one or more of the conformity assessment procedures mentioned or referred to in regulation 10, the CE marking must be accompanied by the UK(NI) indication affixed in accordance with paragraph (2B).

(2B) The UK(NI) indication must be affixed—

(a) in a visible, legible and indelible form to each item of equipment; and

(b) before the equipment is placed on the market in Northern Ireland.".

(5) In regulation 17—

(a) in paragraph (2), after "complied with" insert ", or the UK(NI) indication has not been affixed in contravention of regulation 11(2A) or has been affixed otherwise than in conformity with regulation 11(2B)";

(b) in paragraph (3)(a), (c)(i) and (c)(ii) after "level" insert ", or the UK(NI) indication".

(6) In regulation 19—

(a) at the beginning of paragraph (1) insert "Subject to paragraph (1A),";

(b) after paragraph (1) insert—

(**a**) S.I. 2001/1701, amended by S.I. 2005/3525, S.I. 2008/1597, S.I. 2011/1043, S.I. 2015/98; amendments extending only to Great Britain are also made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

"(1A) Where a person fails to comply with a requirement in respect of the UK(NI) indication, a person guilty of an offence under regulation 18(a) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

3.—(1) The Supply of Machinery (Safety) Regulations 2008(**a**) are amended as follows.

(2) In regulation 2(2) after the definition of "safety component" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) After regulation 7(2) insert—

"(2A) Where a UK notified body carries out the functions of notified bodies specified in Annexes IX and X the CE marking must be accompanied by the UK(NI) indication affixed in accordance with paragraph (2B).

(2B) The UK(NI) indication must be affixed—

(a) in a visible, legible and indelible form to the machinery; and

(b) before the machinery is placed on the market in Northern Ireland.

(2C) Where paragraph (2A) applies, the reference to the identification number of the notified body in Schedule 2, Part 3 Annex III, is a reference to the identification number assigned to the UK notified body by the Secretary of State pursuant to regulation 19A.".

(4) After regulation 19 insert—

"Register of UK notified bodies

19A.—(1) The Secretary of State must ensure that—

(a) each UK notified body is assigned an identification number; and

(b) there is a register of—

(i) UK notified bodies;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(5) In regulation 21(1)(b)—

(a) in paragraph (iii) omit "or";

(b) after paragraph (iii) insert—

"(iiia) the UK(NI) indication does not accompany the CE marking in contravention of regulation 7(2A); or

(iiib) the UK(NI) indication is affixed other than in accordance with regulation 7(2B); or"

(c) in paragraph (iv) after "CE marking" insert "or the UK(NI) indication".

(6) In regulation 22(3)(a) for "or (f)" substitute ", (f), (2A) or (2B)".

(**a**) S.I. 2008/1597, amended by S.I. 2011/1043, S.I. 2011/2157; amendments extending only to Great Britain are also made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

4.—(1) The Aerosol Dispensers Regulations 2009(**a**) are amended as follows.

(2) In regulation 2(1) after the definition of "relevant aerosol dispenser" insert—

> ""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020.".

(3) After regulation 3(7)(iii) insert—

> "(7A) Where paragraph (7)(c) is satisfied by a test method specified in point 6.1.4.1(b) or 6.1.4.1(c) which has been approved in writing by the Secretary of State for the purposes of these Regulations, the person responsible for the marketing of the aerosol dispenser has marked the aerosol dispenser with a UK(NI) indication.".

(4) In regulation 6—

(a) in paragraph (1) after "and (c)" insert "and regulation 3(7A)";

(b) for paragraph (2) substitute—

> "(2) Regulation 3(8)(b) and 3(7A), which are not made under that Act, are to be treated as if they were safety regulations made under section 11 of that Act.";

(c) after paragraph (3) insert—

> "(3A) Notwithstanding section 12(5) of the Consumer Protection Act 1987(**b**) any person guilty of an offence under that section of contravening the prohibition in regulation 5(a) by reason only of a failure to comply with regulation 3(7A) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

5.—(1) The Toys (Safety) Regulations 2011(**c**) are amended as follows.

(2) In regulation 3, after the definition of "toy" insert—

> ""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) After regulation 15 insert—

"UK(NI) indication

15A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a UK notified body, a UK(NI) indication must be affixed in relation to the toy, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before a toy is placed on the market in Northern Ireland.

(3) The UK(NI) indication must be affixed wherever the CE marking is affixed, in accordance with regulation 18.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative who has been appointed by the manufacturer in accordance with regulation 25(1) to affix the UK(NI) indication on the manufacturer's behalf.

(**a**) S.I. 2009/2824, amended by S.I. 2014/1130, S.I. 2018/29; amendments extending only to Great Britain are also made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(**b**) 1987 c.43.

(**c**) S.I. 2011/1881, amended by S.I. 2015/1630; amendments extending only to Great Britain are also made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(5) When placing a toy on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of UK notified bodies

15B.—(1) The Secretary of State must ensure that—

(a) each UK notified body is assigned an identification number; and

(b) there is a register of—

(i) UK notified bodies;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(4) After regulation 39(2) insert—

"(2A) Paragraph (2) does not apply to the UK(NI) indication.".

(5) After regulation 52(1)(b) insert—

"(ba) a UK(NI) indication—

(i) has not been affixed, in contravention of regulation 15A(1); or

(ii) has been affixed but any provision of regulation 15A has not been complied with or has been contravened.".

(6) After regulation 55 insert—

"Offence in respect of UK(NI) indication

55A.—(1) Regulation 15A is to be treated as if it were a safety regulation made under section 11 of the Consumer Protection Act 1987.

(2) Notwithstanding section 12(5) of the Consumer Protection Act 1987, any person guilty of an offence under that section of contravening regulation 15A is liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

6.—(1) The Pyrotechnic Articles (Safety) Regulations 2015(**a**) are amended as follows.

(2) In regulation 2(1) after the definition of "theatrical pyrotechnic article" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) In Part 3, after regulation 42 insert—

"**UK(NI) indication**

42A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the pyrotechnic article, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(**a**) S.I. 2015/1553; amendments extending only to Great Britain are made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(b) before a pyrotechnic article is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking wherever that is affixed, in accordance with regulation 42(1) or (2).

(4) The UK(NI) indication must be affixed by the manufacturer.

(5) When placing a pyrotechnic article on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of UK notified bodies

42B.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(4) After regulation 60(1)(a) insert—

"(aa) the UK(NI) indication—

(i) has not been affixed, in contravention of regulation 42A; or

(ii) has been affixed other than in accordance with regulation 42A;".

(5) In regulation 63—

(a) at the beginning of paragraph (2) insert "Except as provided in paragraph (3),";

(b) after paragraph (2) insert—

"(3) A person guilty of an offence under regulation 62(5) insofar as the requirement relates to a UK(NI) indication is liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

7.—(1) The Electromagnetic Compatibility Regulations 2016(**a**) are amended as follows.

(2) In regulation 2(1) after the definition of "technical specification" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) In Part 3, after regulation 42 insert—

"**UK(NI) indication**

42A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the apparatus, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(**a**) S.I. 2016/1091, amended by S.I. 2017/1206; amendments extending only to Great Britain are made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(a) visibly, legibly and indelibly; and

(b) before apparatus is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 42.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(5) When placing apparatus on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of UK notified bodies

42B.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(4) After regulation 59(1)(a) insert—

"(aa) the UK(NI) indication—

(i) has not been affixed, in contravention of regulation 42A; or

(ii) has been affixed other than in accordance with regulation 42A;".

(5) In regulation 62—

(a) in paragraph (1) after "(2)" insert "and (3)";

(b) after paragraph (2) insert—

"(3) A person guilty of an offence under regulation 61(2) insofar as the requirement relates to a UK(NI) indication is liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

8.—(1) The Simple Pressure Vessels (Safety) Regulations 2016(**a**) are amended as follows.

(2) In regulation 2(4), after the definition of "technical specification" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) In Part 3, after regulation 44 insert—

(**a**) S.I. 2016/1092, amended by S.I. 2017/1206, S.I. 2018/966; amendments extending only to Northern Ireland are made prospectively with effect from IP completion day by S.I. 2020/678 and amendments extending only to Great Britain are also made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

"**UK(NI) indication**

44A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the vessel, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before a vessel is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 6.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(5) When placing a vessel on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of notified bodies established in the United Kingdom

44B.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(4) After regulation 62(1)(a)(v) insert—

"(vi) the UK(NI) indication—

(aa) has not been affixed, in contravention of regulation 44A; or

(bb) has been affixed other than in accordance with regulation 44A;".

(5) In regulation 65—

(a) in paragraphs (1) and (2) for "of regulation 8 or regulation 26" substitute "to which paragraph (1A) applies";

(b) after paragraph (1) insert—

"(1A) This paragraph applies to an offence arising from a contravention or failure to comply with a requirement of—

(a) regulation 8;

(b) regulation 26; or

(b) a withdrawal or recall notice arising from a failure to affix the UK(NI) indication or a failure to affix the UK(NI) indication other than in accordance with regulation 44A.".

9.—(1) The Lifts Regulations 2016(**a**) are amended as follows.

(2) In regulation 2(1) after the definition of "technical specification" insert—

> ""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) In Part 3, after regulation 50 insert—

"**UK(NI) indication**

50A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the lift or safety component, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before a lift or safety component is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 50.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(5) When placing a lift or safety component on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of notified bodies established in the United Kingdom

50B.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(4) After regulation 68(1)(a) insert—

"(aa) the UK(NI) indication—

(i) has not been affixed, in contravention of regulation 50A; or

(ii) has been affixed other than in accordance with regulation 50A;".

(5) In regulation 71—

(a) in paragraph (1) after "(2)" insert "and (3)";

(**a**) S.I. 2016/1093, amended by S.I. 2016/1186 and S.I. 2018/389; amendments extending only to Great Britain are also made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(b) after paragraph (2) insert—

"(3) A person guilty of an offence under regulation 70(2) insofar as the requirement relates to a UK(NI) indication is liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

10.—(1) The Pressure Equipment (Safety) Regulations 2016(**a**) are amended as follows.

(2) In regulation 2(1) after the definition of "technical specification" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) In Part 3, after regulation 49 insert—

"**UK(NI) indication**

49A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the pressure equipment or assembly, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before pressure equipment or an assembly is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 49.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(5) When placing pressure equipment or an assembly on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of notified bodies established in the United Kingdom

49B.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(**a**) S.I. 2016/1105, amended by S.I. 2017/1206; amendments extending only to Northern Ireland are made prospectively with effect from IP completion day by S.I. 2020/678 and amendments extending only to Great Britain are also made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(4) After regulation 74(1)(a) insert—

"(aa) the UK(NI) indication—

(i) has not been affixed, in contravention of regulation 49A; or

(ii) has been affixed other than in accordance with regulation 49A;".

(5) In regulation 77—

(a) in paragraph (1) for the words beginning with "arising" and ending with "regulation 28" substitute "referred to in paragraphs (2) or (3)";

(b) after paragraph (2) insert—

"(3) A person guilty of an offence under regulation 76(2) insofar as the requirement relates to a UK(NI) indication is liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

11.—(1) The Non-Automatic Weighing Instruments Regulations 2016(**a**) are amended as follows.

(2) In regulation 2(1) after the definition of "technical specification" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) In Part 3, after regulation 45 insert—

"**UK(NI) indication**

45A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the regulated non-automatic weighing instrument, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before the regulated non-automatic weighing instrument is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 45.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(5) When placing a regulated non-automatic weighing instrument on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of notified bodies established in the United Kingdom

45B.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(**a**) S.I. 2016/1152; amendments extending only to Great Britain are made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(4) After regulation 63(1)(c) insert—

"(ca) the UK(NI) indication—

(i) has not been affixed, in contravention of regulation 45A; or

(ii) has been affixed other than in accordance with regulation 45A;".

(5) After regulation 71(5)(c) insert—

"(ca) the UK(NI) indication;".

12.—(1) The Measuring Instruments Regulations 2016(**a**) are amended as follows.

(2) In regulation 2(1) after the definition of "thermal energy meter" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) In Part 4, after regulation 52 insert—

"**UK(NI) indication**

52A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the regulated measuring instrument, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before the regulated measuring instrument is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 52.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(5) When placing a regulated measuring instrument on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of notified bodies established in the United Kingdom

52B.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(**a**) S.I. 2016/1153; amendments extending only to Great Britain are made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(4) After regulation 68(1)(c) insert—

"(ca) the UK(NI) indication—

(i) has not been affixed, in contravention of regulation 52A; or

(ii) has been affixed other than in accordance with regulation 52A;".

(5) After regulation 75(5)(c) insert—

"(ca) the UK(NI) indication;".

13.—(1) The Recreational Craft Regulations 2017(**a**) are amended as follows.

(2) In regulation 2(1) after the definition of "technical documentation" insert—

""technical specification" means a document that prescribes the technical requirements to be fulfilled by a product;

"UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK (NI) Indication) (EU Exit) Regulations 2020;".

(3) In Part 3, after regulation 54 insert—

"**UK(NI) indication**

54A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the product, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before a product is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 54.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(5) When placing a product on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of notified bodies established in the United Kingdom

54B.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(**a**) S.I. 2017/737, amended by S.I. 2018/389; amendments extending only to Great Britain are also made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(4) After regulation 71(1)(a) insert—

"(aa) the UK(NI) indication—

(i) has not been affixed, in contravention of regulation 54A; or

(ii) has been affixed other than in accordance with regulation 54A;".

(5) At the beginning of regulation 74 insert "Subject to regulation 74A,".

(6) After regulation 74 insert—

"Penalty in relation to the UK(NI) indication

74A. A person guilty of an offence under regulation 73(2) insofar as the requirement relates to a UK(NI) indication is liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

14.—(1) The Radio Equipment Regulations 2017(**a**) are amended as follows.

(2) In regulation 2(1) after the definition of "technical specification" insert—

""UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;".

(3) In regulation 14—

(a) in paragraph (2)(b) before "(3)" insert "(2A) or";

(b) after paragraph (2) insert—

"(2A) The identification of the United Kingdom in respect of Northern Ireland must be indicated by the abbreviation "UK(NI)".".

(4) After regulation 44 insert—

"**UK(NI) indication**

44A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the radio equipment, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before the radio equipment is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 44.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(**a**) S.I. 2017/1206, amended by S.I. 2018/389; amendments extending only to Great Britain are also made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(5) When placing radio equipment on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Register of notified bodies established in the United Kingdom

44B.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

(5) After regulation 63(1)(a) insert—

"(aa) where a notified body established in the United Kingdom has been involved in a conformity assessment procedure pursuant to regulation 41—

(i) the UK(NI) indication has not been affixed; or

(ii) the UK(NI) indication has been affixed other than in accordance with regulation 44A;".

(6) In regulation 66—

(a) in paragraph (1) for "paragraph (2)" substitute "paragraphs (2) and (3)";

(b) after paragraph (2) insert—

"(3) A person guilty of an offence under regulation 65(2) insofar as the requirement relates to a UK(NI) indication is liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

15.—(1) The Personal Protective Equipment (Enforcement) Regulations(**a**) are amended as follows.

(2) After Part 3 insert—

"PART 4

Provisions in respect of the UK(NI) indication

Interpretation

20. In this Part "UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020.

(**a**) S.I. 2018/390; amendments extending only to Great Britain are made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

UK(NI) indication

21.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the PPE, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before PPE is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with Article 17.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(5) When placing PPE on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

United Kingdom notified bodies

22.—(1) The reference in Article 28(5) to "objections" does not include objections on the grounds that—

(a) the conformity assessment body is established in the United Kingdom; or

(b) the accreditation certificate was issued by the United Kingdom's national accreditation body.

(2) Where a notified body established in the United Kingdom is involved in a conformity assessment procedure pursuant to Article 19, the notified body identification number referred to in Article 17(3) is the notified body identification number assigned to the notified body pursuant to regulation 23.

Register of notified bodies established in the United Kingdom

23.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).

Offence in relation to the UK(NI) indication

24.—(1) Where an enforcement authority finds that the UK(NI) indication—

(a) has not been affixed, in contravention of regulation 21; or

(b) has been affixed otherwise in accordance with regulation 21

it must require a manufacturer to put an end to the non-compliance within such reasonable period as the authority specifies.

(2) Until the specified period has elapsed, the enforcement authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the manufacturer in respect of the non-compliance referred to in paragraph (1).

(3) Where the non-compliance referred to in paragraph (1) persists beyond the specified period, the enforcement authority must take appropriate measures to—

(a) restrict or prohibit the PPE being available on the market;

(b) ensure that the PPE is withdrawn;

(c) ensure that the PPE is recalled.

(4) It is an offence for any person to contravene or fail to comply with any requirement of a withdrawal or recall notice that relates to the UK(NI) indication served on that person under these Regulations.

(5) A person guilty of an offence under paragraph (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) This regulation does not apply where PPE presents a risk.".

16.—(1) The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018(**a**) are amended as follows.

(2) After Part 3 insert—

"PART 4

Provisions in respect of the UK(NI) indication

Interpretation

21. In this Part "UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020.

UK(NI) indication

22.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the appliance or fitting, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

(b) before the appliance or fitting is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with Article 17.

(4) The UK(NI) indication must be affixed by—

(a) the manufacturer; or

(b) the manufacturer's authorised representative.

(5) Before placing an appliance or fitting on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

(**a**) S.I. 2018/389; amendments extending only to Great Britain are made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

United Kingdom notified bodies

23.—(1) The reference in Article 27(5) to "objections" does not include objections on the grounds that—

(a) the conformity assessment body is established in the United Kingdom; or

(b) the accreditation certificate was issued by the United Kingdom's national accreditation body.

(2) Where a notified body established in the United Kingdom is involved in a conformity assessment procedure pursuant to Article 14, the notified body identification number referred to in Article 17(3) is the notified body identification number assigned to the notified body pursuant to regulation 24.

Register of notified bodies established in the United Kingdom

24.—(1) The Secretary of State must ensure that—

(a) each notified body established in the United Kingdom is assigned an identification number; and

(b) there is a register of—

(i) notified bodies established in the United Kingdom;

(ii) their notified body identification number;

(iii) the activities for which they have been notified;

(iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).".

Offence in relation to the UK(NI) indication

25.—(1) Where an enforcement authority finds that the UK(NI) indication—

(a) has not been affixed, in contravention of regulation 22; or

(b) has been affixed otherwise in accordance with regulation 22

it must require a manufacturer to put an end to the non-compliance within such reasonable period as the authority specifies.

(2) Until the specified period has elapsed, the enforcement authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the manufacturer in respect of the non-compliance referred to in paragraph (1).

(3) Where the non-compliance referred to in paragraph (1) persists beyond the specified period, the enforcement authority must take appropriate measures to—

(a) restrict or prohibit the appliance or fitting being available on the market;

(b) ensure that the appliance or fitting is withdrawn;

(c) ensure that the appliance or fitting is recalled.

(4) It is an offence for any person to contravene or fail to comply with any requirement of a withdrawal or recall notice that relates to the UK(NI) indication served on that person under these Regulations.

(5) A person guilty of an offence under paragraph (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) This regulation does not apply where an appliance or fitting presents a risk.".

SCHEDULE 3

Regulation 5

Amendment to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019

1. The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 are amended in accordance with paragraphs 2 to 26.

2.—(1) In each of the following provisions for "18 months" substitute "24 months"—

(a) in Schedule 11 (packaged goods), in paragraph 3(b), in the inserted paragraph (7)(a);

(b) in Schedule 12 (supply of machinery), in paragraph 22, in the inserted regulation 31(2)(b);

(c) in Schedule 15 (toys), in paragraph 23, in the substituted paragraph (2)(a)(iii);

(d) in Schedule 19 (pyrotechnic articles), in paragraph 12(b), in the substituted paragraph (3)(a)(ii);

(e) in Schedule 20 (electromagnetic compatibility), in paragraph 14(b), in the inserted paragraph (1A)(a)(ii);

(f) in Schedule 21 (simple pressure vessels), in paragraph 15(b), in the inserted paragraph (1A)(a)(ii);

(g) in Schedule 22 (lifts), in paragraph 18(b), in the substituted paragraph (3)(a)(ii);

(h) in Schedule 23 (electrical equipment), in paragraph 11(b), in the substituted paragraph (3)(a)(ii);

(i) in Schedule 25 (equipment etc. for use in potentially explosive atmospheres), in paragraph 14(b), in the substituted paragraph (3)(a)(ii);

(j) in Schedule 26 (non-automatic weighing instruments), in paragraph 15(a), in the substituted paragraph (2)(a)(ii);

(k) in Schedule 27 (measuring instruments), in paragraph 14(a), in the substituted paragraph (2)(a)(ii);

(l) in Schedule 28 (recreational craft), in paragraph 12, in the substituted paragraph 2(a)(ii);

(m) in Schedule 29 (radio equipment), in paragraph 19(b), in the substituted paragraph 3(a)(ii);

(n) in Schedule 35 (personal protective equipment), in paragraph 3(10)(b)(iii), in subparagraph (a)(ii) of the inserted unnumbered paragraph;

(o) in Schedule 36 (gas appliances), in paragraph 2(10)(b)(ii), in subparagraph (a)(ii) of the inserted unnumbered paragraph.

(2) In each of the following provisions, for "eighteen" substitute "24"—

(a) in Schedule 16 (explosives), in paragraph 14(a), in the inserted paragraph (1A);

(b) in Schedule 24 (pressure equipment), in paragraph 15(b), in the substituted paragraph (3)(a)(ii).

3. Omit the following provisions—

(a) paragraph 2(3)(b) of Schedule 12 (supply of machinery);

(b) paragraph 4(c) of Schedule 15 (toys);

(c) paragraph 2(2)(d) of Schedule 16 (explosives);

(d) paragraph 2(2)(d) of Schedule 20 (electromagnetic compatibility);

(e) paragraph 2(2)(d) of Schedule 21 (simple pressure vessels);

(f) paragraph 2(2)(d) of Schedule 22 (lifts);

(g) paragraph 2(2)(a) of Schedule 23 (electrical equipment);

(h) paragraph 2(2)(c) of Schedule 24 (pressure equipment);

(i) paragraph 2(2)(e) of Schedule 25 (equipment etc. intended for use in potentially explosive atmospheres);

(j) paragraph 2(2)(d) of Schedule 26 (non-automatic weighing instruments);

(k) paragraph 2(2)(d) of Schedule 27 (measuring instruments);

(l) paragraph 2(2)(d) of Schedule 28 (recreational craft);

(m) paragraph 2(2)(d) of Schedule 29 (radio equipment);

(n) paragraph 3(e) of Schedule 33 (amendment of Regulation (EC) No 765/2008);

(o) paragraph 3(4)(b) of Schedule 35 (personal protective equipment);

(p) paragraph 2(3)(b) of Schedule 36 (gas appliances).

4.—(1) Schedule 4 (measuring container bottles) is amended as follows.

(2) In paragraph 5, in the substituted regulation 5—

(a) in paragraph (2), after "bottle" insert ", or where paragraph (2A) applies, on a label affixed to the bottle or on a document accompanying the bottle";

(b) after paragraph (2) insert—

"(2A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to a label affixed to, or a document accompanying, a measuring container bottle. ".

(3) In paragraph 7, in the text insert, after the inserted regulation 7A insert—

"**Expiry of regulation 7A**

7B.—(1) Subject to paragraphs (2) and (3), regulation 7A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 7A—

(a) any measuring container bottle to which paragraph (3) applies may be sold or supplied on the market of Great Britain on or after the expiry of regulation 7A;

(b) any obligation to which a person was subject under regulation 7A(2) in respect of a measuring container bottle to which paragraph (3) applies continues to have effect after the expiry of regulation 7A.

(3) This paragraph applies to a measuring container bottle which—

(a) was sold or supplied on the market of Great Britain prior to the expiry of regulation 7A; and

(b) in respect of which the requirements in regulation 7A were met.

Qualifying Northern Ireland Goods

7C.—(1) Where paragraph (2) applies—

(a) the requirements of regulation 5 and of Schedule 2 are treated as being satisfied;

(b) the definition of "importer" and "manufacturer" in regulation 2(1) apply subject to the modification that the references to "UK marking" are to be read as references to the EEC sign.

(2) This paragraph applies where a measuring container bottle—

(a) complies with regulation 5, as it applies in Northern Ireland; and

(b) is qualifying Northern Ireland goods.

(3) In this regulation "qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.".

5.—(1) Schedule 8 (noise emissions) is amended as follows.

(2) For paragraph 2(b)(v) substitute—

"(v) in the definition of "responsible person"—

(aa) for "European Union" in the first two places in which it occurs substitute "United Kingdom";

(bb) for "the European Union" in sub-paragraph (c) in the second place in which it occurs substitute "Great Britain";".

(3) After paragraph 3(b) insert—

"(ba) before paragraph (3) insert—

"(2A) Where paragraph (2B) applies, paragraph (2)(c) is met where the UK marking is affixed to—

(a) a label affixed to the equipment; or

(b) a document accompanying the equipment.

(2B) This paragraph applies to equipment that is placed on the market within a period of 24 months beginning with IP completion day."".

(4) In paragraph 4—

(a) for sub-paragraph (a) substitute—

"(a) in sub-paragraph (i) for "the European Union" substitute "Great Britain";";

(b) after sub-paragraph (a) insert—

"(aa) for sub-paragraph (ii) substitute—

"(ii) is imported into Great Britain for re-export to Northern Ireland or a country outside of the United Kingdom;"".

(5) In paragraph 5—

(a) in sub-paragraph (b) omit "and";

(b) after sub-paragraph (b) insert—

"(ba) at the end of paragraph (2) insert "or, where regulation 7(2B) applies, to a label affixed to the equipment or to a document accompanying the equipment";".

(6) In paragraph 7—

(a) in paragraph (2) of the inserted regulation 12A for "the United Kingdom" substitute "Great Britain";

(b) in the inserted text, after the inserted regulation 12A, insert—

"Expiry of regulation 12A

12B.—(1) Subject to paragraph (2), regulation 12A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 12A—

(a) any equipment which was placed on the market or put into service pursuant to regulation 12A may continue to be made available on the market on or after the expiry of regulation 12A;

(b) any obligation to which a person was subject under regulation 12A(2) in respect of equipment placed on the market or put into service pursuant to regulation 12A continues to have effect after the expiry of regulation 12A, in respect of that equipment.

Qualifying Northern Ireland Goods

12C.—(1) Where paragraph (2) applies the requirements in regulation 7(2) and (3) and regulations 10 and 11 are to be treated as being satisfied.

(2) This paragraph applies where equipment is—

(a) qualifying Northern Ireland goods; and

(b) meets the requirements of regulation 16, as it applies in Northern Ireland.

(3) In this regulation "qualifying Northern Ireland goods has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.".

6. In Schedule 9 (general product safety) in paragraph 2(f), in the inserted definition of "relevant enactment" after "EU law" insert "(as it applies in Great Britain)".

7.—(1) Schedule 12 (supply of machinery) is amended as follows.

(2) In paragraph 2(3)(g) for "the United Kingdom" substitute "Great Britain";

(3) In paragraph 5(b) after "enactments" insert "(as they apply in Great Britain)".

(4) In paragraph 6—

(a) for paragraph (b) substitute—

"(b) in paragraph (2)(f)—

(i) for "CE" substitute "UK";

(ii) after "machinery" insert "or where paragraph (2A) applies, or on a label affixed to, or document accompanying, the machinery";";

(b) after paragraph (b) insert—

"(ba) after paragraph (2) insert—

"(2A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the machinery; or

(b) a document accompanying the machinery.";".

(5) In paragraph 9, in the inserted text, after the inserted regulation 12A, insert—

"Expiry of regulation 12A

12B.—(1) Subject to paragraph (2), regulation 12A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 12A—

(a) any machinery or partly completed machinery which was placed on the market or put into service pursuant to regulation 12A may continue to be made available on the market on or after the expiry of regulation 12A;

(b) any obligation to which a person was subject under regulation 12A(2) in respect of machinery or partly completed machinery placed on the market or put into service pursuant to regulation 12A continues to have effect after the expiry of regulation 12A, in respect of that machinery or partly completed machinery.

Qualifying Northern Ireland Goods

12C.—(1) Where paragraph (2) applies the requirements of Part 3, other than those in regulations 12A, 12B and this regulation, are treated as being satisfied.

(2) This paragraph applies where—

(a) the responsible person has complied with the requirements of Part 3, as that Part applies in Northern Ireland; and

(b) the machinery or partly completed machinery is qualifying Northern Ireland goods.

(3) In this regulation "qualifying Northern Ireland goods has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.".

(6) In paragraph 11, at the end, insert—

"(c) after paragraph (1) insert—

"(1A) For the purposes of paragraph (1) machinery bears the UK marking if, in accordance with regulation 7(2A), the UK marking is affixed to —

(a) a label affixed to the machinery; or

(b) a document accompanying the machinery."".

(7) In paragraph 21, after sub-paragraph (a) insert—

"(aa) in paragraph (1) after "affixed to it" insert "(or, where regulation 7(2A) applies, to a label affixed to it or a document accompanying it)" (four times);".

8.—(1) Schedule 13 (aerosol dispensers) is amended as follows.

(2) In paragraph 3—

(a) for sub-paragraph (a) substitute—

"(a) in paragraph (1)—

(i) after "dispenser" insert "or where paragraph (1A) applies, on a label affixed to, or a document accompanying, the aerosol dispenser";

(ii) for "a compliance mark" substitute "the UK marking";".

(b) after sub-paragraph (a) insert—

"(aa) after paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the aerosol dispenser; or

(b) a document accompanying the aerosol dispenser.";".

(3) For paragraph 5 substitute—

"**5.** For regulation 4 substitute—

"4.—(1) Subject to paragraph (2), a person shall not supply or have in his possession for supply a relevant aerosol dispenser which is not marked with the UK marking or the symbol "3" (inverted epsilon).

(2) Where regulation 3(1A) applies, paragraph (1) does not apply where the UK marking is affixed to—

(a) a label affixed to the aerosol dispenser; or

(b) a document accompanying the aerosol dispenser.".".

(4) In paragraph 6, in the substituted paragraph (a)—

(a) omit "or" at the end of sub-paragraph (a)(i);

(b) after paragraph (a)(i) insert—

"(ia) has a label affixed to it, or a document accompanying it, which is marked with the UK marking, where—

(aa) the requirements of regulation 3 are not complied with; or

(bb) the requirements of regulation 3 are complied with but the period referred to in regulation 3(1A) has elapsed; or";

(c) for paragraph (a)(ii) substitute—

"(ii) is marked with the symbol "3" (inverted epsilon) where either—

(aa) all the requirements of regulation 5A(3) are not complied with; or

(bb) all the requirements of regulation 5B are not complied with; or";

(d) for paragraph (b) substitute—

"(b) for paragraph (b) substitute—

"(b) an aerosol dispenser which—

(i) is marked with a mark so closely resembling the UK marking or the symbol "3" (inverted epsilon) as to be likely to deceive; or

(ii) has a label affixed to it or a document accompanying it which is marked with a mark so closely resembling the UK marking as to be likely to deceive.".".

(5) In paragraph 7, in the inserted text—

(a) in the inserted regulation 5A—

(i) in paragraph (2) after "5" insert "(a)(ii)(aa)";

(ii) in paragraph (3)(a) omit "and";

(iii) after paragraph (3)(a) insert—

"(aa) the aerosol dispenser is supplied within a period of 12 months beginning with IP completion day; and";

(b) after the inserted regulation 5A insert—

"Qualifying Northern Ireland Goods

5B.—(1) Paragraph (2) sets out the requirements that must be complied with under regulation 5(a)(ii)(bb) to mark an aerosol dispenser with the symbol "3" (inverted epsilon);

(2) The requirements referred to in paragraph (1) are that—

(a) the requirements of regulation 3 as it applies in Northern Ireland have been complied with in relation to the aerosol dispenser; and

(b) the aerosol dispenser is qualifying Northern Ireland goods.

(3) In this regulation "qualifying Northern Ireland goods" has the meaning given to it in in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.".

9.—(1) Schedule 15 (toys) is amended as follows.

(2) For paragraph 4(g) substitute—

"(g) for the definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places a toy from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a toy on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".".

(3) For paragraph 17 substitute—

"**18.** In regulation 18 (Toys to bear CE marking)—

(a) in the heading and in each place in which it occurs for "CE" substitute "UK";

(b) after paragraph (3) insert—

"(3A) For a period of 24 months beginning with IP completion day, the manufacturer may, in place of affixing the UK marking in accordance with paragraph (3) affix the UK marking to a document accompanying the toy.".".

(4) In paragraph 27, in the inserted text, after the inserted regulation 39A, insert—

"Expiry of regulation 39A

39AA.—(1) Subject to paragraph (2), regulation 39A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 39A—

(a) any toy which was placed on the market pursuant to regulation 39A may continue to be made available on the market on or after the expiry of regulation 39A;

(b) any obligation to which a person was subject under regulation 39A in respect of a toy placed on the market pursuant to regulation 39A continues to have effect after the expiry of regulation 39A, in respect of that toy.

Qualifying Northern Ireland Goods

39AB.—(1) Where paragraph (2) applies—

(a) a toy is to be treated as being in conformity with the essential safety requirements; and

(b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Part 2.

(2) This paragraph applies where—

(a) a toy is—

(i) in conformity with the essential safety requirements, within the meaning of regulation 3 as it applies in Northern Ireland; and

(ii) qualifying Northern Ireland goods;

(b) each relevant economic operator has complied or is complying with the obligations imposed on them under Part 2, as that Part applies in Northern Ireland; and

(c) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(c) are that, before placing the toy on the market, the importer—

(a) complies with regulation 27;

(b) ensures that—

(i) the applicable conformity assessment procedure has been carried out;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the regulated measuring instrument bears the CE marking.

(4) In this regulation—

"applicable conformity assessment procedure" means the conformity assessment procedure applicable to the toy under regulation 15, as it applies in Northern Ireland;

"CE marking" has the meaning given to it in regulation 3, as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"technical documentation" means the technical documentation that a manufacturer has to draw up in accordance with regulation 17, as it applies in Northern Ireland.".

(5) In paragraph 43, in Part 3 of the inserted Schedule 2, in the table at point 13, in the entry for chromium (VI), in the fourth column (mg/kg in scraped-off toy material), for "0,2" substitute "0,053".

10.—(1) Schedule 16 (explosives) is amended as follows.

(2) For the substituted definition of "importer" in paragraph 2(2)(l), substitute—

""importer", in relation to civil explosives, means any person who—

(a) is established in the United Kingdom and places a civil explosive from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a civil explosive on the market that has been supplied to them for distribution, consumption or use in the course of a

commercial activity, whether in return for payment or free of charge, from an EEA state;";

(3) In paragraph 14(a), in the inserted paragraph (1A), for "exit day" substitute "IP completion day".

(4) In paragraph 23—

(a) in the heading, for "regulation 64A" substitute "regulations 64A, 64B, 64C and 64D";

(b) in the inserted text, after the inserted regulation 64B, insert—

"Expiry of regulations 64A and 64B

64C.—(1) Subject to paragraph (2), regulation 64A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 64A—

(a) any civil explosive which was placed on the market pursuant to regulation 64A may continue to be made available on the market on or after the expiry of regulation 64A;

(b) any obligation to which a person was subject under regulation 64A in respect of a civil explosive placed on the market pursuant to regulation 64A continues to have effect after the expiry of regulation 64A, in respect of that civil explosive.

(3) Subject to paragraph (4), regulation 64B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 64B in relation to a civil explosive prior to the expiry of regulation 64B, regulation 64B continues to apply in respect of that civil explosive where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in point 1 of Annex III of the Directive.

Qualifying Northern Ireland Goods

64D.—(1) In this regulation—

"the 2016 Regulations" means the Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016(**a**);

"CE marking" has the meaning given to it in regulation 2(1) of the 2016 Regulations;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"relevant conformity assessment procedure" has the meaning given to it in regulation 2(1) of the 2016 Regulations;

"technical documentation" has the meaning given to it in regulation 2(1) of the 2016 Regulations.

(**a**) S.I. 2016/366; amendments are made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act.2018.

(2) Where paragraph (3) applies, a civil explosive is to be treated as being in conformity with Part 13 Sub-Part A.

(3) This paragraph applies where—

(a) a civil explosive—

(i) is in conformity with Part 3 Sub-Part A of the 2016 Regulations;

(ii) is qualifying Northern Ireland goods; and

(b) an importer has met the obligations set out in paragraph (4).

(4) The obligations referred to in paragraph (3)(b) are that, before placing the civil explosive on the market, the importer—

(a) complies with regulation 50;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in in relation to the civil explosive;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the civil explosive bears the CE marking.".

(5) In paragraph 27—

(a) for sub-paragraph (b) substitute—

"(b) for paragraph (1) substitute—

"(1) The UK marking must be affixed visibly, legibly and indelibly—

(a) to the civil explosive; or

(b) where paragraph (1A) applies, to—

(i) a label affixed to the civil explosive; or

(ii) the accompanying documents.".";

(b) after sub-paragraph (b) insert—

"(ba) after paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the civil explosive; or

(b) the accompanying documents."";

(c) for paragraph (c) substitute—

"(c) in paragraph (2)—

(i) after "Where" insert "paragraph (1A) does not apply and";

(ii) for "CE" substitute "UK" (twice);".

11.—(1) Schedule 19 (pyrotechnic articles) is amended as follows.

(2) For the substituted definition of "importer" in paragraph 2(2)(j), substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places a pyrotechnic article from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a pyrotechnic article on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) In paragraph 22 in the inserted text, after the inserted regulation 38D, insert—

"Expiry of regulations 38A to D

38E.—(1) Subject to paragraph (2), regulations 38A to 38C cease to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 38A—

(a) any pyrotechnic article which was placed on the market pursuant to regulation 38A may continue to be made available on the market on or after the expiry of regulation 38A;

(b) any obligation to which a person was subject under regulation 38A in respect of a pyrotechnic article placed on the market pursuant to regulation 38A continues to have effect after the expiry of regulation 38A, in respect of that article;

(c) any obligation to which a person was subject under regulations 38B and 38C in respect of a pyrotechnic article pursuant to regulations 38B and 38C continues to have effect after the expiry of regulations 38B and 38C, in respect of that article.

(3) Subject to paragraph (4), regulation 38D ceases to have effect at the end of the period of 24 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 38B in relation to a pyrotechnic article prior to the expiry of regulation 38D, regulation 38D continues to apply in respect of that article where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in Annex II of the Directive.

Qualifying Northern Ireland Goods

38F.—(1) Where paragraph (2) applies, a pyrotechnic article is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) a pyrotechnic article—

(i) is in conformity with Part 2, as that Part applies in Northern Ireland; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the pyrotechnic article on the market, the importer—

(a) complies with regulation 17;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the pyrotechnic article;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the pyrotechnic article bears the CE marking.

(4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"relevant conformity assessment procedure" has the meaning give to it in regulation 2(1), as it applies in Northern Ireland;

"technical documentation" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.".

(4) In paragraph 26, after sub-paragraph (b) insert—

"(c) in paragraph (1) after "article" insert "or, where paragraph (1A) applies, to a label affixed to the pyrotechnic article or to the accompanying documents";

(d) after paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the pyrotechnic article; or

(b) the accompanying documents."

(e) in paragraph (2) after "Where" insert "paragraph (1A) does not apply and " . " ." .

(5) In paragraph 42, after sub-paragraph (a) insert—

"(aa) in paragraph 1 for "in the United Kingdom" substitute "under the national law of the country in which the body is established";

(ab) for paragraph 8 substitute—

"**8.** A conformity assessment body must ensure that it, either on its own or with the assistance of its subcontractors or subsidiaries, is capable of carrying out the conformity assessment activities in relation to which the conformity assessment body has been, or is to be, approved.";".

12.—(1) Schedule 20 (electromagnetic compatibility) is amended as follows.

(2) In paragraph 2(2)(l) for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places apparatus from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places apparatus on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) In paragraph 24, in the inserted text, after the inserted regulation 38A, insert—

"**Expiry of regulation 38A**

38B.—(1) Subject to paragraph (2), regulation 38A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 38A—

(a) any apparatus which was placed on the market pursuant to regulation 38A may continue to be made available on the market on or after the expiry of regulation 38A;

(b) any obligation to which a person was subject under regulation 38A in respect of apparatus placed on the market pursuant to regulation 38A continues to have effect after the expiry of regulation 38A, in respect of that apparatus.

Qualifying Northern Ireland Goods

38C.—(1) Where paragraph (2) applies, apparatus is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) apparatus—

(i) is in conformity with Part 2, as that Part applies in Northern Ireland; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the apparatus on the market, the importer—

(a) complies with regulation 20;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the apparatus;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the apparatus bears the CE marking.

(4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"relevant conformity assessment procedure" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"technical documentation" means the documentation a manufacturer must draw up, in accordance with regulation 9(b), as it applies in Northern Ireland.".

(4) For paragraph 27 substitute—

"**27.** In regulation 42—

(a) in the heading and in paragraph (2) in both places in which it occurs for "CE" substitute "UK";

(b) for paragraph (1) substitute—

"(1) The UK marking must be affixed visibly, legibly and indelibly—

(a) to the apparatus;

(b) to its data plate; or

(c) where paragraph (1A) applies, to—

(i) a label affixed to the apparatus or its data plate; or

(ii) to a document accompanying the apparatus.";

(c) after paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the apparatus or its data plate; or

(b) a document accompanying the apparatus.";

(d) in paragraph (2) after "Where" insert "paragraph (1A) does not apply and".".

13.—(1) Schedule 21 (simple pressure vessels) is amended as follows.

(2) In paragraph 2(2)(j) for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places a vessel from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a vessel on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) For paragraph 5(4) substitute—

"(4) For paragraph (1)(b) substitute—

"(b) affix the information set out in paragraph (1B) to—

(i) the vessel;

(ii) its data plate; or

(iii) where paragraph (1A) applies—

(aa) to a label affixed to the vessel; or

(bb) in a document accompanying the vessel;"".

(4) In paragraph 5, after sub-paragraph (4) insert—

"(4A) After paragraph (1) insert—

"(1A) This paragraph applies to a vessel that is placed on the market within a period of 24 months beginning with IP completion day.

(1B) The information referred to in paragraph (1)(b) is—

(a) the UK marking;

(b) the last two digits of the year in which the UK marking is affixed;

(c) the inscriptions."".

(5) For paragraph 13 substitute—

"**13.** In regulation 18 for paragraph (c) substitute—

"(c) the UK marking and the inscriptions have been affixed in accordance with regulation 6(1)(b) to (d);"".

(6) In paragraph 24, in the inserted text, after the inserted regulation 38B, insert—

"Expiry of regulations 38A and 38B

38C.—(1) Subject to paragraph (2), regulation 38A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 38A—

(a) any vessel which was placed on the market pursuant to regulation 38A may continue to be made available on the market after the expiry of regulation 38A;

(b) any obligation to which a person was subject under regulation 38A in respect of a vessel placed on the market pursuant to regulation 38A continues to have effect after the expiry of regulation 38A, in respect of that vessel.

(3) Subject to paragraph (4), regulation 38B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 38B in relation to a vessel prior to the expiry of regulation 38B, regulation 38B continues to apply in respect of that vessel where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in point 1 of Annex II of the Directive.

Qualifying Northern Ireland Goods

38D.—(1) Where paragraph (2) applies, a vessel is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) a vessel—

(i) is in conformity with Part 2, as that Part applies in Northern Ireland; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the vessel on the market, the importer—

(a) complies with regulation 21;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the vessel, in accordance with Part 3, as that Part applies in Northern Ireland;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the vessel bears the CE marking.

(4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"technical documentation" means the documentation referred to in paragraph 2(2)(c) of Part 1 of Schedule 2 to these Regulations, as that Schedule applies in Northern Ireland. ".

(7) For paragraph 29(a) substitute—

"(a) for paragraph (1) substitute—

"(1) The UK marking must be followed by the identification number of the approved body involved in the relevant conformity assessment procedure pursuant to regulation 41."".

14.—(1) Schedule 22 (lifts) is amended as follows.

(2) In paragraph 2(2)(m) for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places a safety component for lifts from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a safety component for lifts on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) In paragraph 25, in the inserted text, after the inserted regulation 45B, insert—

"**Expiry of regulations 45A and 45B**

45C.—(1) Subject to paragraph (2), regulation 45A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 38A—

(a) any safety component for lifts which was placed on the market pursuant to regulation 45A may continue to be made available on the market on or after the expiry of regulation 45A;

(b) any obligation to which a person was subject under regulation 45A in respect of a lift or safety component for lifts placed on the market pursuant to regulation 45A continues to have effect after the expiry of regulation 45A, in respect of that lift or safety component for lifts.

(3) Subject to paragraph (4), regulation 45B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 45B in relation to a lift or a safety component for lifts prior to the expiry of regulation 45B, regulation 45B continues to apply in respect of that lift or safety component for lifts where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after—

(a) in relation to a safety component for lifts, the conformity assessment procedure set out in Annex IV, Part A of the Directive and referred to in Article 15(a) and (b) of the Directive as EU-type examination, has been carried out in relation to a model of the safety component for lifts in accordance with Article 15(a) or (b) of the Directive; or

(b) in relation to a lift that is designed and manufactured in accordance with a model, the conformity assessment procedure set out in Annex IV, Part B of the Directive, referred to in Article 16(1)(a) of the Directive as an EU-type examination has been carried out in relation to a model.

Qualifying Northern Ireland Goods

45D.—(1) Where paragraph (2) applies a safety component for lifts is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) a safety component for lifts—

(i) is in conformity with Part 2, as that Part applies in Northern Ireland; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the safety component for lifts on the market, the importer—

(a) complies with regulation 28;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in accordance with Part 3, as that Part applies in Northern Ireland;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the safety component bears the CE marking.

(4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"technical documentation" means the documentation a manufacturer must draw up in accordance with regulation 16(b), as it applies in Northern Ireland.".

(4) In paragraph 30—

(a) for paragraph (3) substitute—

"(3) For paragraph (1) substitute—

"(1) The UK marking must be affixed visibly, legibly, and indelibly—

(a) to the lift carrier;

(b) to the safety component for lifts; or

(c) where paragraph (1A) applies, to—

(i) a label affixed to the lift carrier or the safety component; or

(ii) to a document accompanying the lift or the safety component.".".

(b) after paragraph (3) insert—

"(3A) After paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the lift carrier or the safety component; or

(b) to a document accompanying the lift or the safety component."

(3B) In the following paragraphs, for "CE" substitute "UK"—

(a) paragraph (2) (twice);

(b) paragraph (3); and

(c) paragraph (4).

(3C) In paragraph (2) after "Where" insert "paragraph (1A) does not apply and";

(3D) In paragraph (3) for "on a" substitute "in respect of a".".

(c) in paragraph (6) before sub-paragraph (a) insert—

"(ia) for "on a safety" substitute "in respect of a safety";".

(5) In paragraph 39 after paragraph (4) insert—

"(4A) In paragraph 3(4) for "member States" substitute "the Secretary of State".".

15.—(1) Schedule 23 (electrical equipment) is amended as follows.

(2) In paragraph 2(2)(g) for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places electrical equipment from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places electrical equipment on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) In paragraph 19, in the inserted text, after the inserted regulation 34A insert—

"Expiry of regulation 34A

34B.—(1) Subject to paragraph (2), regulation 34A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 34A—

(a) any electrical equipment which was placed on the market pursuant to regulation 34A may continue to be made available on the market on or after the expiry of regulation 34A;

(b) any obligation to which a person was subject under regulation 34A in respect of electrical equipment placed on the market pursuant to regulation 34A continues to have effect after the expiry of regulation 34A, in respect of that electrical equipment.

Qualifying Northern Ireland Goods

34C.—(1) Where paragraph (2) applies electrical equipment is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) electrical equipment—

(i) is in conformity with Part 2, as that Part applies in Northern Ireland; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the electrical equipment on the market, the importer—

(a) complies with regulation 18;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the electrical equipment, in accordance with Part 3, as that Part applies in Northern Ireland;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the electrical equipment bears the CE marking.

(4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"technical documentation" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.".

(4) For paragraph 23 substitute—

"**23.**—(1) In regulation 39—

(a) in the heading for "CE" substitute "UK";

(b) for paragraph (1) substitute—

"(1) The UK marking must be affixed visibly, legibly and indelibly to—

(a) the electrical equipment;

(b) its data plate; or

(c) where paragraph (1A) applies, to—

(i) a label affixed to the electrical equipment; or

(ii) to a document accompanying the electrical equipment.";

(c) after paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the electrical equipment; or

(b) to a document accompanying the electrical equipment;";

(d) in paragraph (2)—

(i) after "Where" insert "paragraph (1A) does not apply and";

(ii) for "CE" substitute "UK" (twice).".

16.—(1) Schedule 24 (pressure equipment) is amended as follows.

(2) In paragraph 2(2)(l) for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places pressure equipment or an assembly from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places pressure equipment or an assembly on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge from an EEA state;".

(3) In paragraph 25, in the inserted text—

(a) the regulation inserted after regulation 39A is renumbered regulation 39B;

(b) after the inserted regulation 39B (as so renumbered), insert—

"**Expiry of regulations 39A and 39B**

39C.—(1) Subject to paragraph (2), regulation 39A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 39A—

(a) any pressure equipment or assembly which was placed on the market pursuant to regulation 39A may continue to be made available on the market on or after the expiry of regulation 39A;

(b) any obligation to which a person was subject under regulation 39A in respect of any pressure equipment or assembly placed on the market pursuant to regulation 39A continues to have effect after the expiry of regulation 39A, in respect of that equipment or assembly.

(3) Subject to paragraph (4), regulation 39B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 39B in relation to a pressure equipment or an assembly prior to the expiry of regulation 39B, regulation 39B continues to apply in respect of that pressure equipment or assembly where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after the conformity assessment referred to in the Directive as Module B and set out in Annex III of the Directive, has been carried out.

Qualifying Northern Ireland Goods

39D.—(1) Where paragraph (2) applies any pressure equipment or assembly is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) any pressure equipment or assembly—

(i) is in conformity with Part 2, as that Part applies in Northern Ireland; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the pressure equipment or assembly on the market, the importer—

(a) complies with regulation 23;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in accordance with Part 3, as that Part applies in Northern Ireland;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the pressure equipment or assembly bears the CE marking.

(4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"technical documentation" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.".

(4) In paragraph 33, after sub-paragraph (b) insert—

"(c) in paragraph (1)(b) for "dataplate." substitute "data plate; or";

(d) after paragraph (1)(b) insert—

"(c) where paragraph (1A) applies—

(i) a label affixed to the pressure equipment or assembly; or

(ii) to a document accompanying the pressure equipment or assembly.";

(e) after paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the pressure equipment or assembly; or

(b) to a document accompanying the pressure equipment or assembly.";

(f) in paragraph (3) after "Where" insert "paragraph (1A) does not apply and".".

17.—(1) Schedule 25 (equipment etc. intended for use in potentially explosive atmospheres) is amended as follows.

(2) In paragraph 2(2)(p) for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places a product from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a product on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) In paragraph 21 in the inserted text, after the inserted regulation 36B, insert—

"**Expiry of regulations 36A and 36B**

36C.—(1) Subject to paragraph (2), regulation 36A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 36A—

(a) any product which was placed on the market pursuant to regulation 36A may continue to be made available on the market on or after the expiry of regulation 36A;

(b) any obligation to which a person was subject under regulation 36A in respect of any product placed on the market pursuant to regulation 36A continues to have effect after the expiry of regulation 36A, in respect of that product.

(3) Subject to paragraph (4), regulation 36B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 36B in relation to a product prior to the expiry of regulation 36B, regulation 36B continues to apply in respect of that pressure equipment or assembly where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after the conformity assessment referred to in regulation 36B(2) has been carried out.

Qualifying Northern Ireland Goods

36D.—(1) In this regulation—

"the 2017 Regulations" means the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 2017(**a**);

"CE marking" has the meaning given to it in regulation 2(1) of the 2017 Regulations;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"relevant conformity assessment procedure" has the meaning given to it in regulation 2(1) of the 2017 Regulations;

"technical documentation" has the meaning given to it in regulation 2(1) of the 2017 Regulations.

(2) Where paragraph (3) applies, a product is to be treated as being in conformity with Part 2.

(3) This paragraph applies where—

(a) a product—

(i) is in conformity with Part 2, within the meaning of regulation 2(2) of the 2017 Regulations; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(**a**) S.R. 2017 No. 90; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018.

(3) The obligations referred to in paragraph (3)(b) are that, before placing the product on the market, the importer—

(a) complies with regulation 21;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the product;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the product bears the CE marking.".

(4) In paragraph 26—

(a) for sub-paragraph (a) substitute—

"(a) for paragraph (1) substitute—

"(1) The UK marking must be affixed visibly, legibly and indelibly—

(a) to the product;

(b) to its data plate; or

(c) where paragraph (1A) applies, to—

(i) a label affixed to the product; or

(ii) a document accompanying the product.";";

(b) after sub-paragraph (a) insert—

"(aa) after paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the product; or

(b) a document accompanying the product.";

(ab) in paragraph (2)—

(i) after "Where" insert "paragraph (1A) does not apply and";

(ii) for "paragraph (1)" substitute "paragraph (1)(a) or (b)";

(ac) in the heading and in paragraphs (2) to (5) for "CE" substitute "UK" in each place in which it occurs;".

18.—(1) Schedule 26 (non-automatic weighing instruments) is amended as follows.

(2) In paragraph 2(2)(l) for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places a non-automatic weighing instrument from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a non-automatic weighing instrument on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) For paragraph 6 substitute—

"**6.** In regulation 6 (manufacturer's responsibilities - design, conformity assessment and marking of regulated non-automatic weighing instruments)—

(a) the existing provision is renumbered paragraph (1);

(b) in paragraph (1)(d) (as so renumbered) for "an EU" substitute "a";

(c) in paragraph (1)(e) (as so renumbered)—

(i) after "instrument" insert "or where paragraph (2) applies, in respect of the UK marking, to a label affixed to a product or to a document accompanying the product";

(ii) for "CE" substitute "UK";

(d) after the renumbered paragraph (1) insert—

"(2) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the instrument; or

(b) to a document accompanying the instrument.".".

(4) In paragraph 19, in the inserted text, after the inserted regulation 32B, insert—

"**Expiry of regulations 32A and 32B**

32C.—(1) Subject to paragraph (2), regulation 32A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 32A—

(a) any non-automatic weighing instrument which was placed on the market pursuant to regulation 32A may continue to be made available on the market on or after the expiry of regulation 32A;

(b) any obligation to which a person was subject under regulation 32A in respect of any non-automatic weighing instrument placed on the market pursuant to regulation 32A continues to have effect after the expiry of regulation 32A, in respect of that instrument.

(3) Subject to paragraph (4), regulation 32B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 32B in relation to a non-automatic weighing instrument prior to the expiry of regulation 32B, regulation 32B continues to apply in respect of that instrument where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" has the meaning given to it in regulation 32B(1)(b).

Qualifying Northern Ireland Goods

32D.—(1) Where paragraph (2) applies—

(a) a non-automatic weighing instrument is to be treated as being in conformity with the essential requirements; and

(b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Part 2.

(2) This paragraph applies where—

(a) a non-automatic weighing instrument is—

(i) in conformity with the essential requirements, within the meaning of that term in regulation 2, as it applies in Northern Ireland; and

(ii) qualifying Northern Ireland goods;

(b) each relevant economic operator has complied or is complying with the obligations imposed on them under Part 2, as that Part applies in Northern Ireland; and

(c) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(c) are that, before placing the non-automatic weighing instrument on the market, the importer—

(a) complies with regulation 18;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in accordance with Part 3, as that Part applies in Northern Ireland;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the non-automatic weighing instrument bears the CE marking.

(4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"technical documentation" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.".

(5) In paragraph 31, after paragraph (a) insert—

"(ab) in paragraph (2) for "or its data plate" substitute ", its data plate, or where regulation 6(2) applies in respect of the UK marking, to a label affixed to the regulated non-automatic weighing instrument, or to a document accompanying the regulated non-automatic weighing instrument;"".

19.—(1) Schedule 27 (measuring instruments) is amended as follows.

(2) In paragraph 2(2)(q) for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places a regulated measuring instrument from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a regulated measuring instrument on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) For paragraph 5 substitute—

"**5.** In regulation 7 (manufacturer's responsibilities - design, conformity assessment and marking of regulated measuring instruments)—

(a) the existing paragraph is renumbered paragraph (1);

(b) in paragraph (1)(d) (as so renumbered) for "an EU" substitute "a";

(c) in paragraph (1)(e) (as so renumbered)—

(i) after "instrument" insert "or where paragraph (2) applies in respect of the UK marking, to a label affixed to a product or to a document accompanying the product";

(ii) for "CE" substitute "UK";

(d) after the renumbered paragraph (1) insert—

"(2) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the instrument; or

(b) to a document accompanying the instrument.".".

(4) In paragraph 18—

(a) in the heading for "and 33B" substitute "33B and 33C";

(b) in the inserted text, after the inserted regulation 33B, insert—

"**Expiry of regulations 33A and 33B**

33C.—(1) Subject to paragraph (2), regulation 33A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 33A—

(a) any regulated measuring instrument which was placed on the market pursuant to regulation 33A may continue to be made available on the market on or after the expiry of regulation 33A;

(b) any obligation to which a person was subject under regulation 33A in respect of any regulated measuring instrument placed on the market pursuant to regulation 33A continues to have effect after the expiry of regulation 33A, in respect of that instrument.

(3) Subject to paragraph (4), regulation 33B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 33B in relation to a regulated measuring instrument prior to the expiry of regulation 33B, regulation 33B continues to apply in respect of that instrument where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" has the meaning given to it in regulation 33B(1)(c).

Qualifying Northern Ireland Goods

33D.—(1) Where paragraph (2) applies—

(a) a regulated measuring instrument is to be treated as being in conformity with the essential requirements; and

(b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Part 2.

(2) This paragraph applies where—

(a) a regulated measuring instrument is—

(i) in conformity with the essential requirements, within the meaning of that term in regulation 2, as it applies in Northern Ireland; and

(ii) qualifying Northern Ireland goods; and

(b) each relevant economic operator has complied or is complying with the obligations imposed on them under Part 2, as that Part applies in Northern Ireland; and

(c) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(c) are that, before placing the non-automatic weighing instrument on the market, the importer—

(a) complies with regulation 19;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out.

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the regulated measuring instrument bears the CE marking.

(4) In this regulation—

"CE marking" has the meaning given it in in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"relevant conformity assessment procedure" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"technical documentation" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.".

(5) In paragraph 37 after paragraph (b) insert—

"(bb) in paragraph (2) for "or its data plate" substitute ", its data plate, or where regulation 7(2) applies, to a label affixed to the measuring instrument or to a document accompanying the measuring instrument;"".

20.—(1) Schedule 28 (recreational craft) is amended as follows.

(2) In paragraph 2(2)(n) for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places a product from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places a product on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) For paragraph 4 substitute—

"**4.** In regulation 4(1)(g) omit "EU".".

(4) In paragraph 6, in the substituted regulation 10(1)(b) omit "to the product".

(5) In paragraph 23, in the inserted text, after the inserted regulation 40B, insert—

"**Expiry of regulations 40A and 40B**

40C.—(1) Subject to paragraph (2), regulation 40A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 40A—

(a) any product which was placed on the market pursuant to regulation 40A may continue to be made available on the market on or after the expiry of regulation 40A;

(b) any obligation to which a person was subject under regulation 40A in respect of a product placed on the market pursuant to regulation 40A continues to have effect after the expiry of regulation 40A, in respect of that product.

(3) Subject to paragraph (4), regulation 40B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 40B in relation to a product prior to the expiry of regulation 40B, regulation 40B continues to apply in respect of that product where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after the conformity assessment procedure referred to as Module B in Articles 20 and 21 of the Directive has been carried out in relation to that product, in accordance with Article 24(1) of the Directive.

Qualifying Northern Ireland Goods

40D.—(1) Where paragraph (2) applies a product is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) a product—

(i) is in conformity with Part 2, as that Part applies in Northern Ireland; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the product on the market, the importer—

(a) complies with regulation 21;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the product;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the product bears the CE marking.

(4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"relevant conformity assessment procedure" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"technical documentation" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.".

(6) in paragraph 35—

(a) for sub-paragraph (b) substitute—

"(b) for paragraph (1) substitute—

"(1) The UK marking must be affixed visibly, legibly and indelibly—

(a) to the product; or

(b) where paragraph (1A) applies, to—

(i) a label affixed to the product; or

(ii) a document accompanying the product.";";

(b) after sub-paragraph (b) insert—

"(ba) after paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the product; or

(b) a document accompanying the product.";

(bb) in paragraph (2)—

(i) after "Where" insert "paragraph (1A) does not apply and";

(ii) for "CE" substitute "UK" (twice);

(iii) for "paragraph (1)" substitute "paragraph (1)(a)";

(bc) in paragraph (3)—

(i) at the beginning insert "Except where paragraph (3A) applies";

(ii) for "CE" substitute "UK" (twice);

(bd) after paragraph (3) insert—

"(3A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the watercraft or propulsion engine; or

(b) a document accompanying the watercraft or propulsion engine.";

(be) in paragraph (4) for "CE" substitute "UK";".

21.—(1) Schedule 29 (radio equipment) is amended as follows.

(2) For paragraph 2(2)(o) substitute—

"(o) for the definition of "importer" substitute—

"importer" means a person who—

(a) is established in the United Kingdom and places radio equipment from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places radio equipment on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;"".

(3) In paragraph 27, in the inserted text, after the inserted regulation 36B, insert—

"**Expiry of regulations 36A and 36B**

36C.—(1) Subject to paragraph (2), regulation 36A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 36A—

(a) any radio equipment which was placed on the market pursuant to regulation 36A may continue to be made available on the market on or after the expiry of regulation 36A;

(b) any obligation to which a person was subject under regulation 36A in respect of any radio equipment placed on the market pursuant to regulation 36A continues to have effect after the expiry of regulation 36A, in respect of that equipment.

Qualifying Northern Ireland Goods

36D.—(1) Where paragraph (2) applies radio equipment is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) radio equipment—

(i) is in conformity with Part 2, as that Part applies in Northern Ireland; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the product on the market, the importer—

(a) complies with regulation 23;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the product;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the product bears the CE marking;

(4) In this regulation—

"CE marking" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"relevant conformity assessment procedure" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

"technical documentation" has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.".

(4) In paragraph 34—

(a) for sub-paragraph (a) substitute—

"(a) for paragraph (1) substitute—

"(1) The UK marking must be affixed visibly, legibly and indelibly—

(a) to the radio equipment or to its data plate, unless that is not possible or not warranted on account of the radio equipment; or

(b) where paragraph (1A) applies—

(i) to a label affixed to the radio equipment or its data plate; or

(ii) to a document accompanying the radio equipment."";

(b) after sub-paragraph (a) insert—

"(aa) after paragraph (1) insert—

"(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the radio equipment or its data plate; or

(b) a document accompanying the radio equipment.";

(ab) for paragraph (2) substitute—

"(2) The UK marking must be affixed visibly and legibly—

(a) to the radio equipment packaging; or

(b) where paragraph (2A) applies—

(i) to a label affixed to the radio equipment packaging; or

(ii) a document accompanying the radio equipment packaging."

(ac) after paragraph (2) insert—

"(2A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the radio equipment packaging; or

(b) a document accompanying the radio equipment packaging.";

(ad) in the heading and in paragraphs (3) to (5) for "CE" substitute "UK";".

22.—(1) Schedule 33 (amendment of Regulation (EC) no 765/2008) is amended as follows.

(2) In paragraph 2(a), for "imported into the United Kingdom" substitute "entering the market of Great Britain".

(3) In paragraph 3—

(a) for sub-paragraph (c)(i) substitute—

"(i) for "Community market" substitute "market of Great Britain";";

(b) for sub-paragraph (d)(i) substitute—

"(i) for "Community market" substitute "market of Great Britain";";

(c) in sub-paragraph (o), in the substituted paragraph 21, after "EU law" insert ", as it applies in Great Britain,".

(4) In paragraph 5, in the substituted Article 4(12) after "transitory" insert ", consequential".

(5) For paragraph 13(b) substitute—

"(b) for "COMMUNITY MARKET" substitute "MARKET OF GREAT BRITAIN".".

(6) In paragraph 26(a), in the substituted Article 27(1) for "the United Kingdom" substitute "Great Britain".

23.—(1) Schedule 34 (cosmetic products) is amended as follows.

(2) In paragraph 3—

(a) for paragraph (c)(i) substitute—

"(i) for "Community market" substitute "market of Great Britain";";

(b) sub-paragraph (d), in the substituted point (h) for "United Kingdom market" substitute "market of Great Britain";

(c) in sub-paragraph (e), for the substituted point (i) substitute—

"(i) "importer" means a person who—

(aa) is established in the United Kingdom and places a cosmetic product from a country outside of the United Kingdom on the market; or

(bb) is established in Northern Ireland and places a cosmetic product on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(3) In paragraph 6, before sub-paragraph (a) insert—

"(ia)at the beginning of paragraph 1 insert "Subject to Article 5A";".

(4) After paragraph 6 insert—

"Insertion of Article 5A

6. After Article 5 insert—

"Article 5A

Obligations of responsible persons established in Northern Ireland

1. Where paragraph 3 applies, a responsible person is to be treated as complying with Articles 3, 8, 10 to 12, 14 to 18, 19(1), (2) and (5) and 20 to 24.

2. Where paragraph 4 applies, a responsible person is to be treated as complying with Articles 8, 10 to 12, 14 to 18, 19(1), (2) and (5) and 20 to 24.

3. This paragraph applies where—

(a) the responsible person—

(i) is established in Northern Ireland;

(ii) is a responsible person for the purposes of EU Regulation (Northern Ireland);

(iii) has complied with the obligations of a responsible person under Article 5 of EU Regulation (Northern Ireland); and

(iv) when submitting information under Article 13 the responsible person at the same time gives notice to the Secretary of State confirming the matters in points (i) to (iii); and

(b) the cosmetic product is qualifying Northern Ireland goods.

4. This paragraph applies where—

(a) the responsible person is a person—

(i) to which Article 2(i)(bb) applies; and

(ii) who gives notice to the Secretary of State when submitting information under Article 13 that a responsible person for the purposes of EU Regulation (Northern Ireland) has complied with the obligations of a responsible person under Article 5 of EU Regulation (Northern Ireland); and

(b) the cosmetic product is qualifying Northern Ireland goods.

5. In this Article—

"EU Regulation (Northern Ireland)" means Regulation (EC) No. 1223/2009 of the European Parliament and of the Council of 30th December 2008 on cosmetic products (recast), as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the withdrawal agreement.

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018."".

24.—(1) Schedule 35 (personal protective equipment) is amended as follows.

(2) In paragraph 1(4), in the inserted text, after the inserted regulation 2B, insert—

"Expiry of regulations 2A and 2B

2C.—(1) Subject to paragraph (2), regulation 2A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 2A—

(a) any PPE which was placed on the market pursuant to regulation 2A may continue to be made available on the market on or after the expiry of regulation 2A;

(b) any obligation to which a person was subject under regulation 2A in respect of PPE placed on the market pursuant to regulation 2A continues to have effect after the expiry of regulation 2A, in respect of that PPE.

(3) Subject to paragraph (4), regulation 2B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 2B in relation to a product prior to the expiry of regulation 2B, regulation 2B continues to apply in respect of that product where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to that certificate to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after the conformity assessment procedure referred to in regulation 2B(1)(b) has been carried out in relation to that PPE, in accordance with Article 19(b) or (c) of Regulation 2016/425 (pre-exit).

Qualifying Northern Ireland Goods

2D.—(1) In this regulation—

"EU Regulation 2016/425 (Northern Ireland)" means Regulation (EU) No. 2016/425 of March 2016 of March 2016 of the European Parliament and of the Council on personal protective equipment, repealing Council Directive 89/686/EEC, as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

"applicable conformity assessment procedure" means the conformity assessment procedure applicable to the PPE in accordance with Article 19 of EU Regulation 2016/245 (Northern Ireland);

"CE marking" has the meaning given to it in Article 3(18) of EU Regulation 2016/425 (Northern Ireland);

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"technical documentation" means the documentation referred to in Annex III of Regulation 2016/425 (Northern Ireland).

(2) Where paragraph (3) applies—

(a) PPE is to be treated as being in conformity with the essential safety requirements within the meaning given in EU Regulation 2016/425; and

(b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Chapter II of EU Regulation 2016/425.

(3) This paragraph applies where—

(a) PPE is—

(i) in conformity with the essential requirements within the meaning given in EU Regulation 2016/245 (Northern Ireland); and

(ii) qualifying Northern Ireland goods; and

(b) each relevant economic operator has complied or is complying with the obligations imposed on them under Chapter II of EU Regulation 2016/425 (Northern Ireland); and

(c) an importer has complied with the obligations set out in paragraph (4).

(4) The obligations referred to in paragraph (3)(c) are that, before placing the PPE on the market, the importer—

(a) complies with Article 10(3) of EU Regulation 2016/425;

(b) ensures that—

(i) the applicable conformity assessment procedure has been carried out in relation to the PPE;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the PPE bears the CE marking.".

(3) Omit paragraph 2(5), (6), (8), (11) and (13).

(4) For paragraph 3(4)(a) substitute—

"(a) in points (2) and (3) for "Union market" substitute "market of Great Britain";".

(5) In paragraph 3(4)(c) for the substituted definition of "importer" substitute—

"importer" means a person who—

(a) is established in the United Kingdom and places PPE from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places PPE on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(6) In paragraph 3(16) before paragraph (a) insert—

"(aa) before paragraph 1 insert—

"**A1.** Paragraph 1 is subject to paragraph 1A.";

(ab) after paragraph 1 insert—

"**1A.** For a period of 24 months beginning with IP completion day, paragraph 1 does not apply where the UK marking is affixed to—

(a) a label affixed to the PPE; or

(b) a document accompanying the PPE.";".

25.—(1) Schedule 36 (gas appliances) is amended as follows.

(2) In paragraph 1(4), in the inserted text, after the inserted regulation 2B, insert—

"Expiry of regulations 2A and 2B

2C.—(1) Subject to paragraph (2), regulation 2A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 2A—

(a) any appliance or fitting which was placed on the market pursuant to regulation 2A may continue to be made available on the market on or after the expiry of regulation 2A;

(b) any obligation to which a person was subject under regulation 2A in respect of any appliance or fitting placed on the market pursuant to regulation 2A continues to have effect after the expiry of regulation 2A, in respect of that appliance or fitting.

(3) Subject to paragraph (4), regulation 2B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 2B in relation to a product prior to the expiry of regulation 2B, regulation 2B continues to apply in respect of that product where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "EU-Type examination certificate" means a certificate issued after the conformity assessment procedure referred to in regulation 2B(1) has been carried out in relation to that appliance or fitting, in accordance with Article 14(2) of Regulation 2019/426 (pre-exit).

Qualifying Northern Ireland Goods

2D.—(1) In this regulation—

"EU Regulation 2016/426 (Northern Ireland)" means Regulation (EU) No. 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels,

repealing Council Directive 2009/142/EC, as it has effect by virtue of the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement;

"applicable conformity assessment procedure" means the conformity assessment procedure applicable to the appliance or fitting in accordance with Article 14 of EU Regulation 2016/426 (Northern Ireland);

"CE marking" has the meaning given to it in Article 2(31) of EU Regulation 2016/426 (Northern Ireland);

"qualifying Northern Ireland goods" has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"technical documentation" means the documentation referred to in Annex III of Regulation 2016/426 (Northern Ireland).

(2) Where paragraph (3) applies—

(a) an appliance or fitting is to be treated as being in conformity with the essential safety requirements within the meaning given in EU Regulation 2016/426; and

(b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Chapter II of EU Regulation 2016/426.

(3) This paragraph applies where—

(a) the appliance or fitting is—

(i) in conformity with the essential requirements within the meaning given in EU Regulation 2016/246 (Northern Ireland); and

(ii) qualifying Northern Ireland goods; and

(b) each relevant economic operator has complied or is complying with the obligations imposed on them under Chapter II of EU Regulation 2016/426 (Northern Ireland); and

(c) an importer has complied with the obligations set out in paragraph (4).

(4) The obligations referred to in paragraph (4)(c) are that, before placing the appliance or fitting on the market, the importer—

(a) complies with Article 9(3) of EU Regulation 2016/426;

(b) ensures that—

(i) the applicable conformity assessment procedure has been carried out in relation to the appliance or fitting;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the appliance or fitting bears the CE marking.".

(3) In paragraph 2(3)(c), for the substituted definition of "importer" substitute—

""importer" means a person who—

(a) is established in the United Kingdom and places an appliance or fitting from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places an appliance or fitting on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;".

(4) For paragraph 2(3)(a) substitute—

"(a) in points (14) and (15) for "Union market" substitute "market of Great Britain";";

(5) After paragraph 2(3)(a) insert—

"(aa) in point (16) for "the Union" substitute "Great Britain";".

(6) In paragraph 2(17), before sub-paragraph (a) insert—

"(aa) before paragraph 1 insert——

"**A1.** Paragraph 1 is subject to paragraph (1A).";

(ab) after paragraph 1 insert—

"**1A.** For a period of 24 months beginning with IP completion day, paragraph 1 does not apply where the UK marking is affixed visibly, legibly and indelibly to—

(a) a label affixed to the appliance and fitting or their data plate; or

(b) a document accompanying the appliance and fitting or their data plate.";".

(7) In paragraph 2(34) in the substituted heading for "United Kingdom market" substitute "the market of Great Britain".

26. In Schedule 37 (revocation of retained direct EU and EEA legislation) for paragraph (1)(b) substitute—

"(b) Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008;".

SCHEDULE 4

Regulation 7

Amendment to the Product Safety and Metrology (Amendment) (EU Exit) Regulations 2020

1.—(1) The Product Safety and Metrology (Amendment) (EU Exit) Regulations 2020 are amended as follows.

(2) In regulation 2(1)—

(a) for "1 and 3" substitute "1, 3 and 5";

(b) after "Recognition" insert "Agreement".

(3) Omit the following provisions from Schedule 1—

(a) paragraph 1(d)(ii);

(b) paragraph 1(e)(iii);

(c) paragraph 1(i)(i);

(d) paragraph 1(j)(i);

(e) paragraph 1(k)(i);

(f) paragraph 1(l)(i);

(g) paragraph 1(m)(i);

(h) paragraph 1(n)(ii);

(i) paragraph 1(o)(i);

(j) paragraph 1(p)(i);

(k) paragraph 1(q)(i);

(l) paragraph 1(r)(i);

(m) paragraph 1(s)(i);

(n) paragraph 1(u)(ii);

(o) paragraph 1(v)(ii).

(4) Omit paragraph 1(a) of Schedule 2.

SCHEDULE 5

Regulation 8

Amendments to retained EU law in respect of authorised representatives

1.—(1) In the definition of "authorised representative" in the following provisions, for "EU" substitute "United Kingdom"—

(a) in regulation 2(1) of the Electromagnetic Compatibility Regulations 2016;

(b) in regulation 2(4) of the Simple Pressure Vessels (Safety) Regulations 2016;

(c) in regulation 2(1) of the Lifts Regulations 2016;

(d) in regulation 2(1) of the Electrical Equipment (Safety) Regulations 2016(**a**);

(e) in regulation 2(1) of the Pressure Equipment (Safety) Regulations 2016;

(2) In the definition of "authorised representative" in regulation 2(2) of the Supply of Machinery (Safety) Regulations 2008 for "an EEA state" substitute "the United Kingdom".

(3) In the definition of "authorised representative" in regulation 2 of the Explosives Regulations 2014(**b**) for "within an EEA state" substitute "in the United Kingdom".

(4) In the definitions of "authorised representative" in the following provisions for "within the European Economic Area" substitute "in the United Kingdom"—

(a) in regulation 2(1) of the Non-automatic Weighing Instruments Regulations 2016;

(b) in regulation 2(1) of the Measuring Instruments Regulations 2016;

(5) For Article 2(4) of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 substitute—

"4. "authorised representative" means a person who—

(a) is established in the United Kingdom; and

(b) has received a written mandate from a manufacturer to act on that manufacturer's behalf in relation to specified task with regard to the manufacturer's obligation under any relevant enactment;".

(6) In the definition of "authorised representative" in the following provisions for "Union" substitute "United Kingdom"—

(a) in Article 3(5) of Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC;

(b) in Article 2(18) of Regulation (EU) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Protocol on Ireland/Northern Ireland in the withdrawal agreement ("the Protocol") requires that the EU legislation listed in Annex 2 to that Protocol is implemented in Northern Ireland. It also requires that where bodies or authorities based in the United Kingdom are involved in assessments or authorisations and they undertake those assessments or authorisations for products placed on the market in Northern Ireland, any conformity or similar marking must be accompanied by the indication "UK(NI)". Part 2 of these Regulations (regulation 3 and Schedule 1) set out the form of the UK(NI) indication.

(**a**) S.I. 2016/1101, to which there are amendments not relevant to these Regulations; amendments extending only to Great Britain are made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

(**b**) S.I. 2014/1638 as amended by S.I 2016/315; amendments extending only to Great Britain are made prospectively with effect from IP completion day, by S.I. 2019/696; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018 (c.16).

Part 3 of these Regulations (regulation 4 and Schedule 2) amends legislation that implements some of the EU legislation listed in Annex 2 to the Protocol, in respect of Northern Ireland to make clear when the UK(NI) indication must be affixed and how and where it must be affixed. It also provides for the penalty when the UK(NI) is not affixed or where it is incorrectly affixed.

Part 4 of these Regulations (regulation 5 and Schedule 3) amends the Product Safety and Metrology etc. (Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) ("the 2019 Regulations"), which themselves amend (with effect from IP completion day) a number of pieces of legislation with respect to Great Britain to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. Part 4 of these Regulations is made in part in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) (in particular paragraphs (c), (d), (e) and (g) of section 8(2) and paragraph (a) of section 8(3) of that Act). The majority of the amendments made by the 2019 Regulations extend to Great Britain only (leaving the legislation amended by the 2019 Regulations as it is in respect of Northern Ireland, thereby implementing the legislation listed in Annex 2 to the Protocol). The amendments made by Part 4 of these Regulations similarly extend to Great Britain only. The deficiencies corrected by Part 4 include providing for the expiry of provisions that were introduced by the 2019 Regulations allowing unilateral recognition of products that meet EU requirements and changing the requirement as to where authorised representatives of manufacturers can be based.

Parts 5 to 7 amend other pieces of legislation to make clear that from IP completion day authorised representatives must be based in the United Kingdom, with respect to any products placed on the market of Great Britain.

The Protocol also provides that nothing in the Protocol prevents the United Kingdom from ensuring unfettered market access for goods moving from Northern Ireland to other parts of the United Kingdom's internal market. Part 4 of these Regulations make provision for qualifying Northern Ireland goods to be able to be placed on the market of Great Britain.

The analysis developed to inform this instrument demonstrated that there are limited/ negligible additional costs to business associated with the specific provisions made in this instrument. There is no, or no significant, impact on charities, voluntary bodies or the public sector.

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