

SCHEDULE 33

Amendment of Regulation (EC) No 765/2008

Amendments to Chapter 1

3. In Article 2—

- (a) in the text before paragraph 1 omit “shall”;
- (b) in paragraphs 1 to 3, 6, 7, 12 to 15 and 17 for “shall mean” substitute “means”;
- (c) in paragraph 1—
 - (i) for “Community” substitute “United Kingdom”;
 - (ii) at the end, insert “and related expressions must be construed accordingly”;
- (d) in paragraph 2—
 - (i) for “Community” substitute “United Kingdom”;
 - (ii) at the end, insert “and related expressions must be construed accordingly”;
- (e) for paragraph 4 substitute—

“4. “authorised representative” means —

- (a) a person who—
 - (i) immediately before exit day was established in the United Kingdom or any EEA state and has received a written mandate from a manufacturer to act on the manufacturer’s behalf in relation to specified tasks with regard to the manufacturer’s obligation under any relevant enactment or EU instrument harmonising the conditions for the marketing of products; and
 - (ii) on or after exit day continues to be so established and mandated by the manufacturer to act on the manufacturer’s behalf in relation to those tasks; or
- (b) a person who, on or after exit day—
 - (i) is established in the United Kingdom; and
 - (ii) has received a written mandate from a manufacturer to act on the manufacturer’s behalf in relation to specified tasks under any relevant enactment;”;
- (f) for paragraph 5 substitute—

“5. “importer” means any person established in the United Kingdom who places a product from a country outside of the United Kingdom on the market;”;

- (g) omit paragraphs 8 and 9;
- (h) for paragraph 10 substitute—

“10. “accreditation” means an attestation by a national accreditation body conveying formal recognition that a conformity assessment body is competent to carry out a specific conformity assessment activity;”;

- (i) for paragraph 11 substitute—

“11. “UK national accreditation body” means the body appointed by the Secretary of State in accordance with Article 4;”;

- (j) omit paragraph 16;

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* ISBN 978-0-11-118040-2

- (k) in paragraph 17 for “the relevant Community harmonisation legislation” substitute “any relevant enactment;”;
- (l) for paragraph 18 substitute—
 - “**18.** “market surveillance authority” means an authority responsible for carrying out market surveillance in the United Kingdom;”;
- (m) for paragraph 19 substitute—
 - “**19.** “the free circulation procedure” means the procedure set out in Schedule 1 to the Taxation (Cross-border Trade) Act 2018**(1)**;”;
- (n) for paragraph 20 substitute—
 - “**20.** “conformity marking” means a marking, such as the UK marking, by which the manufacturer indicates that a product is in conformity with the applicable requirements of any enactment providing for the affixing such a marking;”;
- (o) for paragraph 21 substitute—
 - “**21.** “relevant enactment” means any retained EU law derived from an EU instrument harmonising the conditions for the marketing of products in the EU;”;
- (p) after paragraph 21 insert—
 - “**22.** “UK marking” means the marking in the form published in accordance with Article 30(1).”.

(1) 2018 c.22.