

**THE PERSONAL PROTECTIVE EQUIPMENT (ENFORCEMENT) REGULATIONS 2018**  
**TRANSPOSITION NOTE FOR ARTICLE 45 REGULATION EU 2016/425**

1. This transposition note has been prepared by the UK's Department for Business, Energy and Industrial Strategy and is intended to explain how Article 45 of Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment (EU PPE Regulation) is implemented in the UK.
2. UK Regulations are being made principally in order to implement the provisions of Article 45 of the EU PPE Regulation. The table below shows additionally other Articles of the EU PPE Regulation that require implementation.
3. All other provisions of the EU PPE Regulation have direct applicability in the UK without any further domestic implementing acts.
4. The Personal Protective Equipment Regulations 2002 No.1144 which implemented the 1989 Directive (89/686/EEC) will be revoked by the UK Enforcement Regulations, but will be subject to transitional arrangements. The 2002 UK Regulations and the 2016 EU PPE Regulation will remain in force in parallel until 21 April 2019. There will, therefore, be the potential continued use of Certificates issued under the EU 1989 Directive until 21 April 2023 unless their expiry occurs earlier.
5. The UK Enforcement Regulations do not go beyond what is necessary to implement the EU PPE Regulation.
6. The UK Enforcement Regulations will apply in England, Wales, Scotland, and Northern Ireland. The enforcement authorities responsible for monitoring compliance with the EU PPE Regulation are the Weights and Measuring Authorities in Great Britain, District Councils in Northern Ireland, Health and Safety Executive and the Health and Safety Executive (Northern Ireland) and the Office for Nuclear Regulation.
7. The UK Enforcement Regulations introduce a range of summary offences to deal with non-compliance with the EU PPE Regulation by economic operators. The penalties for non-compliance vary depending on which offence was committed and in which jurisdiction.

A person is liable on summary conviction—

- (i) in England and Wales, to a fine or imprisonment for a term not exceeding three months, or to both;
- (ii) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding three months or to both.

<b>Article</b>	<b>Obligation</b>	<b>National Provision (implementing enforcement provisions)</b>
8	Obligations of manufacturers	Regulation 7(1)(a)
10	Obligations of importers	Regulation 7(1)(b)
11	Obligations of distributors	Regulation 7(1)(c)
13	Economic operators must, on request identify other economic operators in the supply chain. The must be able to do this for 10 years after the supply of a product occurs.	Regulation 7(1)(d)
16	The CE marking is subject to the general principles in Article 30 of Regulation (EC) No765/2008	Regulation 7(1)(e)
17	Rules and conditions for affixing the CE marking	Regulation 7(1)(f)
38	Market Surveillance Authority procedure for products presenting a risk – obligation on economic operators to co-operate	Regulation 7(2)
39	Union Safeguard Procedure	
40	Member States procedure for compliant PPE which present a risk	Regulation 7(3)(a)
41	Formal non-compliance – procedure for PPE that do not present a risk but are non-compliant with the EU Regulation	Regulation 7(3)(b)
42-43	Delegated Acts – to amend risk categories	
44	EU Committee procedure	
45(1)	Penalties Offences created in respect of this Article Articles 8,10,11,13,16 and 17 38 40 and 41	Regulation 8(a) and (b)  Regulation 7(1) Regulation 7(2) Regulation 7(3) Regulation 7(4)
45(2)	Enforcement powers	Regulations 3-6, 9-17