

SCHEDULE 3

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

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;

Changes to legislation: *There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020, Paragraph 12. (See end of Document for details)*

“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 ”.”.

Commencement Information

II Sch. 3 para. 12 in force at 31.12.2020 immediately before IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(4\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020, Paragraph 12.