

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations extend to Northern Ireland only and are made under section 8C of the European Union (Withdrawal) Act 2018 (c. 16) to implement certain provisions of Regulation (EU) No 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products (“Regulation 2019/1020”).

Regulation 2019/1020 comes into force on 16 July 2021. It repeals and replaces the market surveillance chapter (Articles 16-29) 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 (OJ L 218, 13.8.2008, p.30-47) which is included in Annex 2 to the Protocol on Ireland/Northern Ireland to the withdrawal agreement.

Regulation 2019/1020 is directly applicable in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018 (c. 16) and Article 13(3) of, and Annex 2 to, the Protocol, although some Articles of Regulation 2019/1020 require implementation in domestic legislation.

Article 14(4) of Regulation 2019/1020 sets out a range of investigatory and enforcement powers which are to be made available to the UK authorities who enforce the market surveillance regime for products subject to the harmonised EU requirements that continue to apply in Northern Ireland. These powers should be used to enforce both Regulation 2019/1020 and the existing requirements in product-specific EU legislation listed in Annex 1 to Regulation 2019/1020.

Article 41 of Regulation 2019/1020 requires that suitable penalties are in place to enforce contraventions of Regulation 2019/1020 by economic operators. In particular, new penalties are needed to implement the requirements of Article 4, Article 5 and Article 7 of Regulation 2019/1020.

These Regulations set out those enforcement powers and offences which are necessary to give effect to Regulation 2019/1020 and provides for an effective and proportionate penalty regime for breaches of the Regulation.

An Explanatory Memorandum is published alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Market Surveillance (Northern Ireland) Regulations 2021. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 1 para. 16(2) substituted by [S.I. 2024/221 reg. 26\(b\)\(i\)](#)
- Sch. 1 para. 16(3)(a)(iv) word omitted by [S.I. 2024/221 reg. 26\(b\)\(ii\)](#)
- Sch. 1 para. 1 words inserted by [S.I. 2024/221 reg. 26\(a\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 16(3)(a)(v) inserted by [S.I. 2024/221 reg. 26\(b\)\(ii\)](#)