

## SCHEDULE 25

### Amendment of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016

#### Amendment to regulation 2

- 2.—(1) Regulation 2 (interpretation) is amended as follows.
- (2) In paragraph (1)—
- (a) in the definition of the “1994 Directive” at the end insert “(as it has effect immediately before exit day)”;
  - (b) after the definition of the “1996 Regulations” insert—
    - ““approved body” has the meaning given to it in regulation 42;”;
  - (c) omit the definition of “accreditation certificate”;
  - (d) in the definition of “attestation of conformity”—
    - (i) omit “EU”; and
    - (ii) for “CE” substitute “UK”;
  - (e) for the definition of “authorised representative” substitute—
    - ““authorised representative” means—
      - (a) a person who—
        - (i) immediately before exit day was established in the United Kingdom or an EEA state and was appointed by a manufacturer by written mandate to perform specified tasks for that manufacturer, in accordance with regulation 17 as it had effect immediately before exit day; and
        - (ii) on or after exit day continues to be so established and appointed by the manufacturer to perform those tasks; or
      - (b) a person who, on or after exit day, is appointed in accordance with regulation 17;”;
  - (f) omit the definition of “CE Marking”;
  - (g) omit the definition of “competent national authority”;
  - (h) after the definition of “conformity assessment” insert—
    - ““conformity assessment activities” means any activities connected with conformity assessment including calibration, testing, certification and inspection;”;
  - (i) after the definition of “conformity assessment body” insert—
    - ““conformity assessment procedure” means a procedure referred to in regulation 39 (conformity assessment procedures);
    - “declaration of conformity” means a declaration of conformity required to be drawn up in accordance with regulation 7(1)(a) (declaration of conformity and UK marking);
    - “designated standard” has the meaning given to it in regulation 2A;”;
  - (j) for the definition of “equipment category” substitute—
    - ““equipment category” means the classification of equipment, within each equipment group, specified in Schedule 1A to these Regulations;”;

**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 This draft has been replaced by a new draft, *The Product Safety and Metrology etc.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 the definition of “equipment-group I” for “as set out in Annex I of the ATEX Directive (as amended from time to time)” substitute “as set out in Schedule 1A to these Regulations”;
  - (l) in the definition of “equipment-group II” for “as set out in Annex I of the ATEX Directive (as amended from time to time)” substitute “as set out in Schedule 1A to these Regulations”;
  - (m) omit the definition of “EU declaration of conformity”;
  - (n) omit the definition of “European Commission”;
  - (o) omit the definition of “harmonised standard”;
  - (p) for the definition of “importer” substitute—
    - ““importer” means a person who—
    - (a) is established in the United Kingdom; and
    - (b) places a product from a country outside of the United Kingdom on the market.”;
  - (q) in the definition of “make available on the market” for “EU” substitute “United Kingdom”;
  - (r) omit the definition of “national accreditation body”;
  - (s) omit the definition of “notified body requirements”;
  - (t) omit the definition of “Official Journal”;
  - (u) in the definition of “place on the market” for “EU” substitute “United Kingdom”;
  - (v) in the definition of “putting into service” omit “within the EU market”;
  - (w) after the definition of “technical specification” insert—
    - ““UK marking” means the marking in the form published in accordance with Article 30(1) of RAMS;
    - “UK national accreditation body” means the body appointed by the Secretary of State in accordance with Article 4 of RAMS.”.
- (3) After paragraph (1) insert—
- “(1A) Schedule 1A reproduces the provisions of Annex I to the ATEX Directive with amendments to correct deficiencies in retained EU law.
  - (1B) A reference to a provision of Schedule 1A is a reference to the equivalent provisions of Annex I to the ATEX Directive as set out in Schedule 1A.
  - (1C) Schedule 3A reproduces the provisions of Annexes III to IX to the ATEX Directive with amendments to correct deficiencies in retained EU law.
  - (1D) A reference to any provision of Schedule 3A is a reference to the equivalent provisions of Annex III to IX of the ATEX Directive.”.
- (4) Omit paragraph (3).
- (5) Omit paragraph (6).