

SCHEDULE 25

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

Amendment to regulation 72

34. After regulation 72 insert—

“**Transitional provision in relation to EU Exit**

72A.—(1) In this regulation—

“pre-exit period” means the period beginning with the commencement date and ending immediately before exit day;

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 25 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019⁽¹⁾, any obligation to which a person was subject under these Regulations as they had effect immediately before exit day, continues to have effect as it did immediately before exit day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the market in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 38 as it had effect immediately before exit day in relation to that product,

that action has effect as if it had been done under regulation 38 as it had effect on and after exit day.”.

(1) S.I. 2019/XXXX.