

## SCHEDULE 3

Regulation 5

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

1. The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 are amended in accordance with paragraphs 2 to 26.

- 2.—(1) In each of the following provisions for “18 months” substitute “24 months”—
- (a) in Schedule 11 (packaged goods), in paragraph 3(b), in the inserted paragraph (7)(a);
  - (b) in Schedule 12 (supply of machinery), in paragraph 22, in the inserted regulation 31(2)(b);
  - (c) in Schedule 15 (toys), in paragraph 23, in the substituted paragraph (2)(a)(iii);
  - (d) in Schedule 19 (pyrotechnic articles), in paragraph 12(b), in the substituted paragraph (3)(a)(ii);
  - (e) in Schedule 20 (electromagnetic compatibility), in paragraph 14(b), in the inserted paragraph (1A)(a)(ii);
  - (f) in Schedule 21 (simple pressure vessels), in paragraph 15(b), in the inserted paragraph (1A)(a)(ii);
  - (g) in Schedule 22 (lifts), in paragraph 18(b), in the substituted paragraph (3)(a)(ii);
  - (h) in Schedule 23 (electrical equipment), in paragraph 11(b), in the substituted paragraph (3)(a)(ii);
  - (i) in Schedule 25 (equipment etc. for use in potentially explosive atmospheres), in paragraph 14(b), in the substituted paragraph (3)(a)(ii);
  - (j) in Schedule 26 (non-automatic weighing instruments), in paragraph 15(a), in the substituted paragraph (2)(a)(ii);
  - (k) in Schedule 27 (measuring instruments), in paragraph 14(a), in the substituted paragraph (2)(a)(ii);
  - (l) in Schedule 28 (recreational craft), in paragraph 12, in the substituted paragraph 2(a)(ii);
  - (m) in Schedule 29 (radio equipment), in paragraph 19(b), in the substituted paragraph 3(a)(ii);
  - (n) in Schedule 35 (personal protective equipment), in paragraph 3(10)(b)(iii), in subparagraph (a)(ii) of the inserted unnumbered paragraph;
  - (o) in Schedule 36 (gas appliances), in paragraph 2(10)(b)(ii), in subparagraph (a)(ii) of the inserted unnumbered paragraph.
- (2) In each of the following provisions, for “eighteen” substitute “24”—
- (a) in Schedule 16 (explosives), in paragraph 14(a), in the inserted paragraph (1A);
  - (b) in Schedule 24 (pressure equipment), in paragraph 15(b), in the substituted paragraph (3)(a)(ii).
3. Omit the following provisions—
- (a) paragraph 2(3)(b) of Schedule 12 (supply of machinery);
  - (b) paragraph 4(c) of Schedule 15 (toys);
  - (c) paragraph 2(2)(d) of Schedule 16 (explosives);
  - (d) paragraph 2(2)(d) of Schedule 20 (electromagnetic compatibility);
  - (e) paragraph 2(2)(d) of Schedule 21 (simple pressure vessels);
  - (f) paragraph 2(2)(d) of Schedule 22 (lifts);

- (g) paragraph 2(2)(a) of Schedule 23 (electrical equipment);
- (h) paragraph 2(2)(c) of Schedule 24 (pressure equipment);
- (i) paragraph 2(2)(e) of Schedule 25 (equipment etc. intended for use in potentially explosive atmospheres);
- (j) paragraph 2(2)(d) of Schedule 26 (non-automatic weighing instruments);
- (k) paragraph 2(2)(d) of Schedule 27 (measuring instruments);
- (l) paragraph 2(2)(d) of Schedule 28 (recreational craft);
- (m) paragraph 2(2)(d) of Schedule 29 (radio equipment);
- (n) paragraph 3(e) of Schedule 33 (amendment of Regulation (EC) No 765/2008);
- (o) paragraph 3(4)(b) of Schedule 35 (personal protective equipment);
- (p) paragraph 2(3)(b) of Schedule 36 (gas appliances).

4.—(1) Schedule 4 (measuring container bottles) is amended as follows.

(2) In paragraph 5, in the substituted regulation 5—

(a) in paragraph (2), after “bottle” insert “, or where paragraph (2A) applies, on a label affixed to the bottle or on a document accompanying the bottle”;

(b) after paragraph (2) insert—

“(2A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to a label affixed to, or a document accompanying, a measuring container bottle.”.

(3) In paragraph 7, in the text insert, after the inserted regulation 7A insert—

#### “Expiry of regulation 7A

**7B.**—(1) Subject to paragraphs (2) and (3), regulation 7A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 7A—

(a) any measuring container bottle to which paragraph (3) applies may be sold or supplied on the market of Great Britain on or after the expiry of regulation 7A;

(b) any obligation to which a person was subject under regulation 7A(2) in respect of a measuring container bottle to which paragraph (3) applies continues to have effect after the expiry of regulation 7A.

(3) This paragraph applies to a measuring container bottle which—

(a) was sold or supplied on the market of Great Britain prior to the expiry of regulation 7A; and

(b) in respect of which the requirements in regulation 7A were met.

#### Qualifying Northern Ireland Goods

**7C.**—(1) Where paragraph (2) applies—

(a) the requirements of regulation 5 and of Schedule 2 are treated as being satisfied;

(b) the definition of “importer” and “manufacturer” in regulation 2(1) apply subject to the modification that the references to “UK marking” are to be read as references to the EEC sign.

(2) This paragraph applies where a measuring container bottle—

- (a) complies with regulation 5, as it applies in Northern Ireland; and
- (b) is qualifying Northern Ireland goods.

(3) In this regulation “qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.”.

5.—(1) Schedule 8 (noise emissions) is amended as follows.

(2) For paragraph 2(b)(v) substitute—

“(v) in the definition of “responsible person”—

- (aa) for “European Union” in the first two places in which it occurs substitute “United Kingdom”;
- (bb) for “the European Union” in sub-paragraph (c) in the second place in which it occurs substitute “Great Britain”;

(3) After paragraph 3(b) insert—

“(ba) before paragraph (3) insert—

“(2A) Where paragraph (2B) applies, paragraph (2)(c) is met where the UK marking is affixed to—

- (a) a label affixed to the equipment; or
- (b) a document accompanying the equipment.

(2B) This paragraph applies to equipment that is placed on the market within a period of 24 months beginning with IP completion day.”

(4) In paragraph 4—

(a) for sub-paragraph (a) substitute—

“(a) in sub-paragraph (i) for “the European Union” substitute “Great Britain”;

(b) after sub-paragraph (a) insert—

“(aa) for sub-paragraph (ii) substitute—

“(ii) is imported into Great Britain for re-export to Northern Ireland or a country outside of the United Kingdom;”

(5) In paragraph 5—

(a) in sub-paragraph (b) omit “and”;

(b) after sub-paragraph (b) insert—

“(ba) at the end of paragraph (2) insert “or, where regulation 7(2B) applies, to a label affixed to the equipment or to a document accompanying the equipment”;

(6) In paragraph 7—

(a) in paragraph (2) of the inserted regulation 12A for “the United Kingdom” substitute “Great Britain”;

(b) in the inserted text, after the inserted regulation 12A, insert—

#### “Expiry of regulation 12A

**12B.**—(1) Subject to paragraph (2), regulation 12A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 12A—

- (a) any equipment which was placed on the market or put into service pursuant to regulation 12A may continue to be made available on the market on or after the expiry of regulation 12A;
- (b) any obligation to which a person was subject under regulation 12A(2) in respect of equipment placed on the market or put into service pursuant to regulation 12A continues to have effect after the expiry of regulation 12A, in respect of that equipment.

### **Qualifying Northern Ireland Goods**

**12C.**—(1) Where paragraph (2) applies the requirements in regulation 7(2) and (3) and regulations 10 and 11 are to be treated as being satisfied.

(2) This paragraph applies where equipment is—

- (a) qualifying Northern Ireland goods; and
- (b) meets the requirements of regulation 16, as it applies in Northern Ireland.

(3) In this regulation “qualifying Northern Ireland goods has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.”.

**6.** In Schedule 9 (general product safety) in paragraph 2(f), in the inserted definition of “relevant enactment” after “EU law” insert “(as it applies in Great Britain)”.

**7.**—(1) Schedule 12 (supply of machinery) is amended as follows.

(2) In paragraph 2(3)(g) for “the United Kingdom” substitute “Great Britain”;

(3) In paragraph 5(b) after “enactments” insert “(as they apply in Great Britain)”.

(4) In paragraph 6—

(a) for paragraph (b) substitute—

“(b) in paragraph (2)(f)—

- (i) for “CE” substitute “UK”;
- (ii) after “machinery” insert “or where paragraph (2A) applies, or on a label affixed to, or document accompanying, the machinery”;

(b) after paragraph (b) insert—

“(ba) after paragraph (2) insert—

“(2A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

- (a) a label affixed to the machinery; or
- (b) a document accompanying the machinery.”;

(5) In paragraph 9, in the inserted text, after the inserted regulation 12A, insert—

### **“Expiry of regulation 12A**

**12B.**—(1) Subject to paragraph (2), regulation 12A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 12A—

- (a) any machinery or partly completed machinery which was placed on the market or put into service pursuant to regulation 12A may continue to be made available on the market on or after the expiry of regulation 12A;

- (b) any obligation to which a person was subject under regulation 12A(2) in respect of machinery or partly completed machinery placed on the market or put into service pursuant to regulation 12A continues to have effect after the expiry of regulation 12A, in respect of that machinery or partly completed machinery.

### **Qualifying Northern Ireland Goods**

**12C.**—(1) Where paragraph (2) applies the requirements of Part 3, other than those in regulations 12A, 12B and this regulation, are treated as being satisfied.

(2) This paragraph applies where—

- (a) the responsible person has complied with the requirements of Part 3, as that Part applies in Northern Ireland; and
- (b) the machinery or partly completed machinery is qualifying Northern Ireland goods.

(3) In this regulation “qualifying Northern Ireland goods has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.”.

(6) In paragraph 11, at the end, insert—

“(c) after paragraph (1) insert—

“(1A) For the purposes of paragraph (1) machinery bears the UK marking if, in accordance with regulation 7(2A), the UK marking is affixed to —

- (a) a label affixed to the machinery; or
- (b) a document accompanying the machinery.”

(7) In paragraph 21, after sub-paragraph (a) insert—

“(aa) in paragraph (1) after “affixed to it” insert “(or, where regulation 7(2A) applies, to a label affixed to it or a document accompanying it)” (four times);”.

**8.**—(1) Schedule 13 (aerosol dispensers) is amended as follows.

(2) In paragraph 3—

(a) for sub-paragraph (a) substitute—

“(a) in paragraph (1)—

- (i) after “dispenser” insert “or where paragraph (1A) applies, on a label affixed to, or a document accompanying, the aerosol dispenser”;
- (ii) for “a compliance mark” substitute “the UK marking”;

(b) after sub-paragraph (a) insert—

“(aa) 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 aerosol dispenser; or
- (b) a document accompanying the aerosol dispenser.”;

(3) For paragraph 5 substitute—

“**5.** For regulation 4 substitute—

“**4.**—(1) Subject to paragraph (2), a person shall not supply or have in his possession for supply a relevant aerosol dispenser which is not marked with the UK marking or the symbol “3” (inverted epsilon).

- (2) Where regulation 3(1A) applies, paragraph (1) does not apply where the UK marking is affixed to—
- (a) a label affixed to the aerosol dispenser; or
  - (b) a document accompanying the aerosol dispenser.”.”.
- (4) In paragraph 6, in the substituted paragraph (a)—
- (a) omit “or” at the end of sub-paragraph (a)(i);
  - (b) after paragraph (a)(i) insert—
    - “(ia) has a label affixed to it, or a document accompanying it, which is marked with the UK marking, where—
      - (aa) the requirements of regulation 3 are not complied with; or
      - (bb) the requirements of regulation 3 are complied with but the period referred to in regulation 3(1A) has elapsed; or”;
  - (c) for paragraph (a)(ii) substitute—
    - “(ii) is marked with the symbol “3” (inverted epsilon) where either—
      - (aa) all the requirements of regulation 5A(3) are not complied with; or
      - (bb) all the requirements of regulation 5B are not complied with; or”;
  - (d) for paragraph (b) substitute—
    - “(b) for paragraph (b) substitute—
      - “(b) an aerosol dispenser which—
        - (i) is marked with a mark so closely resembling the UK marking or the symbol “3” (inverted epsilon) as to be likely to deceive; or
        - (ii) has a label affixed to it or a document accompanying it which is marked with a mark so closely resembling the UK marking as to be likely to deceive.”.”.
- (5) In paragraph 7, in the inserted text—
- (a) in the inserted regulation 5A—
    - (i) in paragraph (2) after “5” insert “(a)(ii)(aa)”;
    - (ii) in paragraph (3)(a) omit “and”;
    - (iii) after paragraph (3)(a) insert—
      - “(aa) the aerosol dispenser is supplied within a period of 12 months beginning with IP completion day; and”;
  - (b) after the inserted regulation 5A insert—

#### **“Qualifying Northern Ireland Goods**

- 5B.**—(1) Paragraph (2) sets out the requirements that must be complied with under regulation 5(a)(ii)(bb) to mark an aerosol dispenser with the symbol “3” (inverted epsilon);
- (2) The requirements referred to in paragraph (1) are that—
- (a) the requirements of regulation 3 as it applies in Northern Ireland have been complied with in relation to the aerosol dispenser; and
  - (b) the aerosol dispenser is qualifying Northern Ireland goods.
- (3) In this regulation “qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.”.

9.—(1) Schedule 15 (toys) is amended as follows.

(2) For paragraph 4(g) substitute—

“(g) for the definition of “importer” substitute—

““importer” means a person who—

- (a) is established in the United Kingdom and places a toy from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a toy 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) For paragraph 17 substitute—

“18. In regulation 18 (Toys to bear CE marking)—

- (a) in the heading and in each place in which it occurs for “CE” substitute “UK”;
- (b) after paragraph (3) insert—

“(3A) For a period of 24 months beginning with IP completion day, the manufacturer may, in place of affixing the UK marking in accordance with paragraph (3) affix the UK marking to a document accompanying the toy.”.

(4) In paragraph 27, in the inserted text, after the inserted regulation 39A, insert—

#### “Expiry of regulation 39A

**39AA.**—(1) Subject to paragraph (2), regulation 39A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 39A—

- (a) any toy which was placed on the market pursuant to regulation 39A may continue to be made available on the market on or after the expiry of regulation 39A;
- (b) any obligation to which a person was subject under regulation 39A in respect of a toy placed on the market pursuant to regulation 39A continues to have effect after the expiry of regulation 39A, in respect of that toy.

#### Qualifying Northern Ireland Goods

**39AB.**—(1) Where paragraph (2) applies—

- (a) a toy is to be treated as being in conformity with the essential safety requirements; and
- (b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Part 2.

(2) This paragraph applies where—

- (a) a toy is—
  - (i) in conformity with the essential safety requirements, within the meaning of regulation 3 as it applies in Northern Ireland; and
  - (ii) qualifying Northern Ireland goods;
- (b) each relevant economic operator has complied or is complying with the obligations imposed on them under Part 2, as that Part applies in Northern Ireland; and
- (c) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(c) are that, before placing the toy on the market, the importer—

- (a) complies with regulation 27;
- (b) ensures that—
  - (i) the applicable conformity assessment procedure has been carried out;
  - (ii) the manufacturer has drawn up the technical documentation; and
  - (iii) the regulated measuring instrument bears the CE marking.

(4) In this regulation—

“applicable conformity assessment procedure” means the conformity assessment procedure applicable to the toy under regulation 15, as it applies in Northern Ireland;

“CE marking” has the meaning given to it in regulation 3, as it applies in Northern Ireland;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“technical documentation” means the technical documentation that a manufacturer has to draw up in accordance with regulation 17, as it applies in Northern Ireland.”.

(5) In paragraph 43, in Part 3 of the inserted Schedule 2, in the table at point 13, in the entry for chromium (VI), in the fourth column (mg/kg in scraped-off toy material), for “0,2” substitute “0,053”.

**10.**—(1) Schedule 16 (explosives) is amended as follows.

(2) For the substituted definition of “importer” in paragraph 2(2)(1), substitute—

““importer”, in relation to civil explosives, means any person who—

- (a) is established in the United Kingdom and places a civil explosive from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a civil explosive 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 14(a), in the inserted paragraph (1A), for “exit day” substitute “IP completion day”.

(4) In paragraph 23—

- (a) in the heading, for “regulation 64A” substitute “regulations 64A, 64B, 64C and 64D”;
- (b) in the inserted text, after the inserted regulation 64B, insert—

**“Expiry of regulations 64A and 64B**

**64C.**—(1) Subject to paragraph (2), regulation 64A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 64A—

- (a) any civil explosive which was placed on the market pursuant to regulation 64A may continue to be made available on the market on or after the expiry of regulation 64A;
- (b) any obligation to which a person was subject under regulation 64A in respect of a civil explosive placed on the market pursuant to regulation 64A continues to have effect after the expiry of regulation 64A, in respect of that civil explosive.



(3) Subject to paragraph (4), regulation 64B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 64B in relation to a civil explosive prior to the expiry of regulation 64B, regulation 64B continues to apply in respect of that civil explosive where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in point 1 of Annex III of the Directive.

### **Qualifying Northern Ireland Goods**

**64D.**—(1) In this regulation—

“the 2016 Regulations” means the Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016(1);

“CE marking” has the meaning given to it in regulation 2(1) of the 2016 Regulations;

“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) of the 2016 Regulations;

“technical documentation” has the meaning given to it in regulation 2(1) of the 2016 Regulations.

(2) Where paragraph (3) applies, a civil explosive is to be treated as being in conformity with Part 13 Sub-Part A.

(3) This paragraph applies where—

- (a) a civil explosive—
  - (i) is in conformity with Part 3 Sub-Part A of the 2016 Regulations;
  - (ii) is qualifying Northern Ireland goods; and
- (b) an importer has met the obligations set out in paragraph (4).

(4) The obligations referred to in paragraph (3)(b) are that, before placing the civil explosive on the market, the importer—

- (a) complies with regulation 50;
- (b) ensures that—
  - (i) the relevant conformity assessment procedure has been carried out in relation to the civil explosive;
  - (ii) the manufacturer has drawn up the technical documentation; and
  - (iii) the civil explosive bears the CE marking.”.

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(1) [S.I. 2016/366](#); amendments are made prospectively with effect from IP completion day, by [S.I. 2019/696](#); the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act.2018.

- (5) In paragraph 27—
- (a) for sub-paragraph (b) substitute—
    - “(b) for paragraph (1) substitute—
      - “(1) The UK marking must be affixed visibly, legibly and indelibly—
        - (a) to the civil explosive; or
        - (b) where paragraph (1A) applies, to—
          - (i) a label affixed to the civil explosive; or
          - (ii) the accompanying documents.”;”;
  - (b) after sub-paragraph (b) insert—
    - “(ba) 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 civil explosive; or
        - (b) the accompanying documents.””
  - (c) for paragraph (c) substitute—
    - “(c) in paragraph (2)—
      - (i) after “Where” insert “paragraph (1A) does not apply and”;
      - (ii) for “CE” substitute “UK” (twice);”.

**11.**—(1) Schedule 19 (pyrotechnic articles) is amended as follows.

- (2) For the substituted definition of “importer” in paragraph 2(2)(j), substitute—  
““importer” means a person who—
- (a) is established in the United Kingdom and places a pyrotechnic article from a country outside of the United Kingdom on the market; or
  - (b) is established in Northern Ireland and places a pyrotechnic article 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 22 in the inserted text, after the inserted regulation 38D, insert—

**“Expiry of regulations 38A to D**

**38E.**—(1) Subject to paragraph (2), regulations 38A to 38C cease 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 pyrotechnic article 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 a pyrotechnic article placed on the market pursuant to regulation 38A continues to have effect after the expiry of regulation 38A, in respect of that article;
  - (c) any obligation to which a person was subject under regulations 38B and 38C in respect of a pyrotechnic article pursuant to regulations 38B and 38C continues to have effect after the expiry of regulations 38B and 38C, in respect of that article.
- (3) Subject to paragraph (4), regulation 38D ceases to have effect at the end of the period of 24 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 38B in relation to a pyrotechnic article prior to the expiry of regulation 38D, regulation 38D continues to apply in respect of that article where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in Annex II of the Directive.

### **Qualifying Northern Ireland Goods**

**38F.**—(1) Where paragraph (2) applies, a pyrotechnic article is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

- (a) a pyrotechnic article—
  - (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 pyrotechnic article on the market, the importer—

- (a) complies with regulation 17;
- (b) ensures that—
  - (i) the relevant conformity assessment procedure has been carried out in relation to the pyrotechnic article;
  - (ii) the manufacturer has drawn up the technical documentation; and
  - (iii) the pyrotechnic article 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;

“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 give to it in regulation 2(1), as it applies in Northern Ireland;

“technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.”.

(4) In paragraph 26, after sub-paragraph (b) insert—

“(c) in paragraph (1) after “article” insert “or, where paragraph (1A) applies, to a label affixed to the pyrotechnic article or to the accompanying documents”;

(d) 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 pyrotechnic article; or

(b) the accompanying documents.”

(e) in paragraph (2) after “Where” insert “paragraph (1A) does not apply and ” .  
” .” .

(5) In paragraph 42, after sub-paragraph (a) insert—

“(aa) in paragraph 1 for “in the United Kingdom” substitute “under the national law of the country in which the body is established”;

(ab) for paragraph 8 substitute—

“8. A conformity assessment body must ensure that it, either on its own or with the assistance of its subcontractors or subsidiaries, is capable of carrying out the conformity assessment activities in relation to which the conformity assessment body has been, or is to be, approved.”;

**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;
  - “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”.”.
- 13.—(1) Schedule 21 (simple pressure vessels) is amended as follows.
- (2) In paragraph 2(2)(j) for the substituted definition of “importer” substitute—
  - ““importer” means a person who—
    - (a) is established in the United Kingdom and places a vessel from a country outside of the United Kingdom on the market; or
    - (b) is established in Northern Ireland and places a vessel 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) For paragraph 5(4) substitute—
- “(4) For paragraph (1)(b) substitute—
  - “(b) affix the information set out in paragraph (1B) to—
    - (i) the vessel;

- (ii) its data plate; or
- (iii) where paragraph (1A) applies—
  - (aa) to a label affixed to the vessel; or
  - (bb) in a document accompanying the vessel;”
- (4) In paragraph 5, after sub-paragraph (4) insert—
  - “(4A) After paragraph (1) insert—
    - “(1A) This paragraph applies to a vessel that is placed on the market within a period of 24 months beginning with IP completion day.
    - (1B) The information referred to in paragraph (1)(b) is—
      - (a) the UK marking;
      - (b) the last two digits of the year in which the UK marking is affixed;
      - (c) the inscriptions.”
- (5) For paragraph 13 substitute—
  - “**13.** In regulation 18 for paragraph (c) substitute—
    - “(c) the UK marking and the inscriptions have been affixed in accordance with regulation 6(1)(b) to (d);”
- (6) In paragraph 24, in the inserted text, after the inserted regulation 38B, insert—

**“Expiry of regulations 38A and 38B**

- 38C.**—(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 vessel which was placed on the market pursuant to regulation 38A may continue to be made available on the market after the expiry of regulation 38A;
    - (b) any obligation to which a person was subject under regulation 38A in respect of a vessel placed on the market pursuant to regulation 38A continues to have effect after the expiry of regulation 38A, in respect of that vessel.
  - (3) Subject to paragraph (4), regulation 38B ceases to have effect at the end of the period of 12 months beginning with IP completion day.
  - (4) Where a conformity assessment procedure has been completed pursuant to regulation 38B in relation to a vessel prior to the expiry of regulation 38B, regulation 38B continues to apply in respect of that vessel where—
    - (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
    - (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
    - (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.
  - (5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in point 1 of Annex II of the Directive.

### **Qualifying Northern Ireland Goods**

**38D.**—(1) Where paragraph (2) applies, a vessel is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) a vessel—

- (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 vessel on the market, the importer—

(a) complies with regulation 21;

(b) ensures that—

- (i) the relevant conformity assessment procedure has been carried out in relation to the vessel, in accordance with Part 3, as that Part applies in Northern Ireland;
- (ii) the manufacturer has drawn up the technical documentation; and
- (iii) the vessel 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; “qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“technical documentation” means the documentation referred to in paragraph 2(2)(c) of Part 1 of Schedule 2 to these Regulations, as that Schedule applies in Northern Ireland. ”.

(7) For paragraph 29(a) substitute—

“(a) for paragraph (1) substitute—

“(1) The UK marking must be followed by the identification number of the approved body involved in the relevant conformity assessment procedure pursuant to regulation 41.””

**14.**—(1) Schedule 22 (lifts) is amended as follows.

(2) In paragraph 2(2)(m) for the substituted definition of “importer” substitute—

““importer” means a person who—

- (a) is established in the United Kingdom and places a safety component for lifts from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a safety component for lifts 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 25, in the inserted text, after the inserted regulation 45B, insert—

### **“Expiry of regulations 45A and 45B**

**45C.**—(1) Subject to paragraph (2), regulation 45A 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—

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- (a) any safety component for lifts which was placed on the market pursuant to regulation 45A may continue to be made available on the market on or after the expiry of regulation 45A;
  - (b) any obligation to which a person was subject under regulation 45A in respect of a lift or safety component for lifts placed on the market pursuant to regulation 45A continues to have effect after the expiry of regulation 45A, in respect of that lift or safety component for lifts.
- (3) Subject to paragraph (4), regulation 45B ceases to have effect at the end of the period of 12 months beginning with IP completion day.
- (4) Where a conformity assessment procedure has been completed pursuant to regulation 45B in relation to a lift or a safety component for lifts prior to the expiry of regulation 45B, regulation 45B continues to apply in respect of that lift or safety component for lifts where—
- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
  - (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
  - (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.
- (5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after—
- (a) in relation to a safety component for lifts, the conformity assessment procedure set out in Annex IV, Part A of the Directive and referred to in Article 15(a) and (b) of the Directive as EU-type examination, has been carried out in relation to a model of the safety component for lifts in accordance with Article 15(a) or (b) of the Directive; or
  - (b) in relation to a lift that is designed and manufactured in accordance with a model, the conformity assessment procedure set out in Annex IV, Part B of the Directive, referred to in Article 16(1)(a) of the Directive as an EU-type examination has been carried out in relation to a model.

### **Qualifying Northern Ireland Goods**

- 45D.**—(1) Where paragraph (2) applies a safety component for lifts is to be treated as being in conformity with Part 2.
- (2) This paragraph applies where—
- (a) a safety component for lifts—
    - (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 safety component for lifts on the market, the importer—
- (a) complies with regulation 28;
  - (b) ensures that—
    - (i) the relevant conformity assessment procedure has been carried out in accordance with Part 3, as that Part applies in Northern Ireland;
    - (ii) the manufacturer has drawn up the technical documentation; and
    - (iii) the safety component 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;



“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“technical documentation” means the documentation a manufacturer must draw up in accordance with regulation 16(b), as it applies in Northern Ireland.”.

(4) In paragraph 30—

(a) for paragraph (3) substitute—

“(3) For paragraph (1) substitute—

“(1) The UK marking must be affixed visibly, legibly, and indelibly—

(a) to the lift carrier;

(b) to the safety component for lifts; or

(c) where paragraph (1A) applies, to—

(i) a label affixed to the lift carrier or the safety component; or

(ii) to a document accompanying the lift or the safety component.”.

(b) after paragraph (3) insert—

“(3A) 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 lift carrier or the safety component; or

(b) to a document accompanying the lift or the safety component.”

(3B) In the following paragraphs, for “CE” substitute “UK”—

(a) paragraph (2) (twice);

(b) paragraph (3); and

(c) paragraph (4).

(3C) In paragraph (2) after “Where” insert “paragraph (1A) does not apply and”;

(3D) In paragraph (3) for “on a” substitute “in respect of a”.

(c) in paragraph (6) before sub-paragraph (a) insert—

“(ia) for “on a safety” substitute “in respect of a safety”;

(5) In paragraph 39 after paragraph (4) insert—

“(4A) In paragraph 3(4) for “member States” substitute “the Secretary of State”.

**15.**—(1) Schedule 23 (electrical equipment) is amended as follows.

(2) In paragraph 2(2)(g) for the substituted definition of “importer” substitute—

““importer” means a person who—

(a) is established in the United Kingdom and places electrical equipment from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places electrical equipment 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 19, in the inserted text, after the inserted regulation 34A insert—

#### **“Expiry of regulation 34A**

**34B.**—(1) Subject to paragraph (2), regulation 34A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 34A—

- (a) any electrical equipment which was placed on the market pursuant to regulation 34A may continue to be made available on the market on or after the expiry of regulation 34A;
- (b) any obligation to which a person was subject under regulation 34A in respect of electrical equipment placed on the market pursuant to regulation 34A continues to have effect after the expiry of regulation 34A, in respect of that electrical equipment.

#### **Qualifying Northern Ireland Goods**

**34C.**—(1) Where paragraph (2) applies electrical equipment is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

- (a) electrical equipment—
  - (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 electrical equipment on the market, the importer—

- (a) complies with regulation 18;
- (b) ensures that—
  - (i) the relevant conformity assessment procedure has been carried out in relation to the electrical equipment, in accordance with Part 3, as that Part applies in Northern Ireland;
  - (ii) the manufacturer has drawn up the technical documentation; and
  - (iii) the electrical equipment 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;  
“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;  
“technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.”.

(4) For paragraph 23 substitute—

**“23.**—(1) In regulation 39—

- (a) in the heading for “CE” substitute “UK”;
- (b) for paragraph (1) substitute—

“(1) The UK marking must be affixed visibly, legibly and indelibly to—

- (a) the electrical equipment;
- (b) its data plate; or
- (c) where paragraph (1A) applies, to—
  - (i) a label affixed to the electrical equipment; or

- (ii) to a document accompanying the electrical equipment.”;
- (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 electrical equipment; or
    - (b) to a document accompanying the electrical equipment;”;
- (d) in paragraph (2)—
  - (i) after “Where” insert “paragraph (1A) does not apply and”;
  - (ii) for “CE” substitute “UK” (twice).”.

**16.**—(1) Schedule 24 (pressure equipment) 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 pressure equipment or an assembly from a country outside of the United Kingdom on the market; or
    - (b) is established in Northern Ireland and places pressure equipment or an assembly 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 25, in the inserted text—
  - (a) the regulation inserted after regulation 39A is renumbered regulation 39B;
  - (b) after the inserted regulation 39B (as so renumbered), insert—

**“Expiry of regulations 39A and 39B**

**39C.**—(1) Subject to paragraph (2), regulation 39A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

- (2) Notwithstanding the expiry of regulation 39A—
  - (a) any pressure equipment or assembly which was placed on the market pursuant to regulation 39A may continue to be made available on the market on or after the expiry of regulation 39A;
  - (b) any obligation to which a person was subject under regulation 39A in respect of any pressure equipment or assembly placed on the market pursuant to regulation 39A continues to have effect after the expiry of regulation 39A, in respect of that equipment or assembly.

(3) Subject to paragraph (4), regulation 39B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 39B in relation to a pressure equipment or an assembly prior to the expiry of regulation 39B, regulation 39B continues to apply in respect of that pressure equipment or assembly where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after the conformity assessment referred to in the Directive as Module B and set out in Annex III of the Directive, has been carried out.

### **Qualifying Northern Ireland Goods**

**39D.**—(1) Where paragraph (2) applies any pressure equipment or assembly is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) any pressure equipment or assembly—

- (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 pressure equipment or assembly on the market, the importer—

(a) complies with regulation 23;

(b) ensures that—

- (i) the relevant conformity assessment procedure has been carried out in accordance with Part 3, as that Part applies in Northern Ireland;
- (ii) the manufacturer has drawn up the technical documentation; and
- (iii) the pressure equipment or assembly 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;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.”.

(4) In paragraph 33, after sub-paragraph (b) insert—

“(c) in paragraph (1)(b) for “dataplate.” substitute “data plate; or”;

(d) after paragraph (1)(b) insert—

“(c) where paragraph (1A) applies—

- (i) a label affixed to the pressure equipment or assembly; or
- (ii) to a document accompanying the pressure equipment or assembly.”;

(e) 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 pressure equipment or assembly; or
- (b) to a document accompanying the pressure equipment or assembly.”;

(f) in paragraph (3) after “Where” insert “paragraph (1A) does not apply and”.”.

17.—(1) Schedule 25 (equipment etc. intended for use in potentially explosive atmospheres) is amended as follows.

(2) In paragraph 2(2)(p) for the substituted definition of “importer” substitute—

““importer” means a person who—

- (a) is established in the United Kingdom and places a product from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a product 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 21 in the inserted text, after the inserted regulation 36B, insert—

#### **“Expiry of regulations 36A and 36B**

**36C.**—(1) Subject to paragraph (2), regulation 36A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 36A—

- (a) any product which was placed on the market pursuant to regulation 36A may continue to be made available on the market on or after the expiry of regulation 36A;
- (b) any obligation to which a person was subject under regulation 36A in respect of any product placed on the market pursuant to regulation 36A continues to have effect after the expiry of regulation 36A, in respect of that product.

(3) Subject to paragraph (4), regulation 36B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 36B in relation to a product prior to the expiry of regulation 36B, regulation 36B continues to apply in respect of that pressure equipment or assembly where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after the conformity assessment referred to in regulation 36B(2) has been carried out.

#### **Qualifying Northern Ireland Goods**

**36D.**—(1) In this regulation—

“the 2017 Regulations” means the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 2017(2);

“CE marking” has the meaning given to it in regulation 2(1) of the 2017 Regulations;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

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(2) *S.R. 2017 No. 90*; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 No. 1460*

- “relevant conformity assessment procedure” has the meaning given to it in regulation 2(1) of the 2017 Regulations;
- “technical documentation” has the meaning given to it in regulation 2(1) of the 2017 Regulations.
- (2) Where paragraph (3) applies, a product is to be treated as being in conformity with Part 2.
- (3) This paragraph applies where—
- (a) a product—
- (i) is in conformity with Part 2, within the meaning of regulation 2(2) of the 2017 Regulations; 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 (3)(b) are that, before placing the product on the market, the importer—
- (a) complies with regulation 21;
- (b) ensures that—
- (i) the relevant conformity assessment procedure has been carried out in relation to the product;
- (ii) the manufacturer has drawn up the technical documentation; and
- (iii) the product bears the CE marking.”.
- (4) In paragraph 26—
- (a) for sub-paragraph (a) substitute—
- “(a) for paragraph (1) substitute—
- “(1) The UK marking must be affixed visibly, legibly and indelibly—
- (a) to the product;
- (b) to its data plate; or
- (c) where paragraph (1A) applies, to—
- (i) a label affixed to the product; or
- (ii) a document accompanying the product.”;”;
- (b) after sub-paragraph (a) insert—
- “(aa) 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 product; or
- (b) a document accompanying the product.”;
- (ab) in paragraph (2)—
- (i) after “Where” insert “paragraph (1A) does not apply and”;
- (ii) for “paragraph (1)” substitute “paragraph (1)(a) or (b)”;
- (ac) in the heading and in paragraphs (2) to (5) for “CE” substitute “UK” in each place in which it occurs;”.
- 18.**—(1) Schedule 26 (non-automatic weighing instruments) 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 a non-automatic weighing instrument from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a non-automatic weighing instrument 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) For paragraph 6 substitute—

“6. In regulation 6 (manufacturer’s responsibilities - design, conformity assessment and marking of regulated non-automatic weighing instruments)—

- (a) the existing provision is renumbered paragraph (1);
- (b) in paragraph (1)(d) (as so renumbered) for “an EU” substitute “a”;
- (c) in paragraph (1)(e) (as so renumbered)—
  - (i) after “instrument” insert “or where paragraph (2) applies, in respect of the UK marking, to a label affixed to a product or to a document accompanying the product”;
  - (ii) for “CE” substitute “UK”;
- (d) after the renumbered paragraph (1) insert—

“(2) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

  - (a) a label affixed to the instrument; or
  - (b) to a document accompanying the instrument.”.”.

(4) In paragraph 19, in the inserted text, after the inserted regulation 32B, insert—

**“Expiry of regulations 32A and 32B**

**32C.**—(1) Subject to paragraph (2), regulation 32A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 32A—

- (a) any non-automatic weighing instrument which was placed on the market pursuant to regulation 32A may continue to be made available on the market on or after the expiry of regulation 32A;
- (b) any obligation to which a person was subject under regulation 32A in respect of any non-automatic weighing instrument placed on the market pursuant to regulation 32A continues to have effect after the expiry of regulation 32A, in respect of that instrument.

(3) Subject to paragraph (4), regulation 32B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 32B in relation to a non-automatic weighing instrument prior to the expiry of regulation 32B, regulation 32B continues to apply in respect of that instrument where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” has the meaning given to it in regulation 32B(1)(b).

### **Qualifying Northern Ireland Goods**

**32D.**—(1) Where paragraph (2) applies—

- (a) a non-automatic weighing instrument is to be treated as being in conformity with the essential requirements; and
- (b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Part 2.

(2) This paragraph applies where—

- (a) a non-automatic weighing instrument is—
  - (i) in conformity with the essential requirements, within the meaning of that term in regulation 2, as it applies in Northern Ireland; and
  - (ii) qualifying Northern Ireland goods;
- (b) each relevant economic operator has complied or is complying with the obligations imposed on them under Part 2, as that Part applies in Northern Ireland; and
- (c) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(c) are that, before placing the non-automatic weighing instrument on the market, the importer—

- (a) complies with regulation 18;
- (b) ensures that—
  - (i) the relevant conformity assessment procedure has been carried out in accordance with Part 3, as that Part applies in Northern Ireland;
  - (ii) the manufacturer has drawn up the technical documentation; and
  - (iii) the non-automatic weighing instrument 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;  
“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;  
“technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.”.

(5) In paragraph 31, after paragraph (a) insert—

“(ab) in paragraph (2) for “or its data plate” substitute “, its data plate, or where regulation 6(2) applies in respect of the UK marking, to a label affixed to the regulated non-automatic weighing instrument, or to a document accompanying the regulated non-automatic weighing instrument;””.

**19.**—(1) Schedule 27 (measuring instruments) is amended as follows.

(2) In paragraph 2(2)(q) for the substituted definition of “importer” substitute—

““importer” means a person who—

- (a) is established in the United Kingdom and places a regulated measuring instrument from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a regulated measuring instrument 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) For paragraph 5 substitute—

“5. In regulation 7 (manufacturer’s responsibilities - design, conformity assessment and marking of regulated measuring instruments)—

- (a) the existing paragraph is renumbered paragraph (1);
- (b) in paragraph (1)(d) (as so renumbered) for “an EU” substitute “a”;
- (c) in paragraph (1)(e) (as so renumbered)—
  - (i) after “instrument” insert “or where paragraph (2) applies in respect of the UK marking, to a label affixed to a product or to a document accompanying the product”;
  - (ii) for “CE” substitute “UK”;
- (d) after the renumbered paragraph (1) insert—

“(2) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

  - (a) a label affixed to the instrument; or
  - (b) to a document accompanying the instrument.”.”.

(4) In paragraph 18—

- (a) in the heading for “and 33B” substitute “33B and 33C”;
- (b) in the inserted text, after the inserted regulation 33B, insert—

#### “Expiry of regulations 33A and 33B

**33C.**—(1) Subject to paragraph (2), regulation 33A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 33A—

- (a) any regulated measuring instrument which was placed on the market pursuant to regulation 33A may continue to be made available on the market on or after the expiry of regulation 33A;
- (b) any obligation to which a person was subject under regulation 33A in respect of any regulated measuring instrument placed on the market pursuant to regulation 33A continues to have effect after the expiry of regulation 33A, in respect of that instrument.

(3) Subject to paragraph (4), regulation 33B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 33B in relation to a regulated measuring instrument prior to the expiry of regulation 33B, regulation 33B continues to apply in respect of that instrument where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” has the meaning given to it in regulation 33B(1)(c).

### **Qualifying Northern Ireland Goods**

**33D.**—(1) Where paragraph (2) applies—

- (a) a regulated measuring instrument is to be treated as being in conformity with the essential requirements; and
- (b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Part 2.

(2) This paragraph applies where—

- (a) a regulated measuring instrument is—
  - (i) in conformity with the essential requirements, within the meaning of that term in regulation 2, as it applies in Northern Ireland; and
  - (ii) qualifying Northern Ireland goods; and
- (b) each relevant economic operator has complied or is complying with the obligations imposed on them under Part 2, as that Part applies in Northern Ireland; and
- (c) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(c) are that, before placing the non-automatic weighing instrument on the market, the importer—

- (a) complies with regulation 19;
- (b) ensures that—
  - (i) the relevant conformity assessment procedure has been carried out.
  - (ii) the manufacturer has drawn up the technical documentation; and
  - (iii) the regulated measuring instrument bears the CE marking.

(4) In this regulation—

“CE marking” has the meaning given it in in regulation 2(1), as it applies in Northern Ireland;

“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” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.”.

(5) In paragraph 37 after paragraph (b) insert—

- “(bb) in paragraph (2) for “or its data plate” substitute “, its data plate, or where regulation 7(2) applies, to a label affixed to the measuring instrument or to a document accompanying the measuring instrument;”.

**20.**—(1) Schedule 28 (recreational craft) is amended as follows.

(2) In paragraph 2(2)(n) for the substituted definition of “importer” substitute—

““importer” means a person who—

- (a) is established in the United Kingdom and places a product from a country outside of the United Kingdom on the market; or

- (b) is established in Northern Ireland and places a product 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) For paragraph 4 substitute—
- “4. In regulation 4(1)(g) omit “EU”.”
- (4) In paragraph 6, in the substituted regulation 10(1)(b) omit “to the product”.
- (5) In paragraph 23, in the inserted text, after the inserted regulation 40B, insert—

#### “Expiry of regulations 40A and 40B

**40C.**—(1) Subject to paragraph (2), regulation 40A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

- (2) Notwithstanding the expiry of regulation 40A—
  - (a) any product which was placed on the market pursuant to regulation 40A may continue to be made available on the market on or after the expiry of regulation 40A;
  - (b) any obligation to which a person was subject under regulation 40A in respect of a product placed on the market pursuant to regulation 40A continues to have effect after the expiry of regulation 40A, in respect of that product.

(3) Subject to paragraph (4), regulation 40B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 40B in relation to a product prior to the expiry of regulation 40B, regulation 40B continues to apply in respect of that product where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after the conformity assessment procedure referred to as Module B in Articles 20 and 21 of the Directive has been carried out in relation to that product, in accordance with Article 24(1) of the Directive.

#### Qualifying Northern Ireland Goods

**40D.**—(1) Where paragraph (2) applies a product is to be treated as being in conformity with Part 2.

- (2) This paragraph applies where—
  - (a) a product—
    - (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 product on the market, the importer—
  - (a) complies with regulation 21;
  - (b) ensures that—

- (i) the relevant conformity assessment procedure has been carried out in relation to the product;
- (ii) the manufacturer has drawn up the technical documentation; and
- (iii) the product 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;  
“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” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.”.

(6) in paragraph 35—

(a) for sub-paragraph (b) substitute—

“(b) for paragraph (1) substitute—

“(1) The UK marking must be affixed visibly, legibly and indelibly—

- (a) to the product; or
- (b) where paragraph (1A) applies, to—
  - (i) a label affixed to the product; or
  - (ii) a document accompanying the product.”;

(b) after sub-paragraph (b) insert—

“(ba) 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 product; or
- (b) a document accompanying the product.”;

(bb) in paragraph (2)—

- (i) after “Where” insert “paragraph (1A) does not apply and”;
- (ii) for “CE” substitute “UK” (twice);
- (iii) for “paragraph (1)” substitute “paragraph (1)(a)”;

(bc) in paragraph (3)—

- (i) at the beginning insert “Except where paragraph (3A) applies”;
- (ii) for “CE” substitute “UK” (twice);

(bd) after paragraph (3) insert—

“(3A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

- (a) a label affixed to the watercraft or propulsion engine; or
- (b) a document accompanying the watercraft or propulsion engine.”;

(be) in paragraph (4) for “CE” substitute “UK”;

**21.—**(1) Schedule 29 (radio equipment) is amended as follows.

(2) For paragraph 2(2)(o) substitute—

“(o) for the definition of “importer” substitute—

“importer” means a person who—

- (a) is established in the United Kingdom and places radio equipment from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places radio equipment 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 27, in the inserted text, after the inserted regulation 36B, insert—

#### “Expiry of regulations 36A and 36B

**36C.**—(1) Subject to paragraph (2), regulation 36A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 36A—

- (a) any radio equipment which was placed on the market pursuant to regulation 36A may continue to be made available on the market on or after the expiry of regulation 36A;
- (b) any obligation to which a person was subject under regulation 36A in respect of any radio equipment placed on the market pursuant to regulation 36A continues to have effect after the expiry of regulation 36A, in respect of that equipment.

#### Qualifying Northern Ireland Goods

**36D.**—(1) Where paragraph (2) applies radio equipment is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

- (a) radio equipment—
  - (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 product on the market, the importer—

- (a) complies with regulation 23;
- (b) ensures that—
  - (i) the relevant conformity assessment procedure has been carried out in relation to the product;
  - (ii) the manufacturer has drawn up the technical documentation; and
  - (iii) the product 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;

“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” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.”.

(4) In paragraph 34—

(a) for sub-paragraph (a) substitute—

“(a) for paragraph (1) substitute—

“(1) The UK marking must be affixed visibly, legibly and indelibly—

(a) to the radio equipment or to its data plate, unless that is not possible or not warranted on account of the radio equipment; or

(b) where paragraph (1A) applies—

(i) to a label affixed to the radio equipment or its data plate; or

(ii) to a document accompanying the radio equipment.”

(b) after sub-paragraph (a) insert—

“(aa) 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 radio equipment or its data plate; or

(b) a document accompanying the radio equipment.”;

(ab) for paragraph (2) substitute—

“(2) The UK marking must be affixed visibly and legibly—

(a) to the radio equipment packaging; or

(b) where paragraph (2A) applies—

(i) to a label affixed to the radio equipment packaging; or

(ii) a document accompanying the radio equipment packaging.”

(ac) after paragraph (2) insert—

“(2A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the radio equipment packaging; or

(b) a document accompanying the radio equipment packaging.”;

(ad) in the heading and in paragraphs (3) to (5) for “CE” substitute “UK”;

**22.**—(1) Schedule 33 (amendment of Regulation (EC) no 765/2008) is amended as follows.

(2) In paragraph 2(a), for “imported into the United Kingdom” substitute “entering the market of Great Britain”.

(3) In paragraph 3—

(a) for sub-paragraph (c)(i) substitute—

“(i) for “Community market” substitute “market of Great Britain”;

(b) for sub-paragraph (d)(i) substitute—

“(i) for “Community market” substitute “market of Great Britain”;

(c) in sub-paragraph (o), in the substituted paragraph 21, after “EU law” insert “, as it applies in Great Britain”.

(4) In paragraph 5, in the substituted Article 4(12) after “transitory” insert “, consequential”.

(5) For paragraph 13(b) substitute—

- “(b) for “COMMUNITY MARKET” substitute “MARKET OF GREAT BRITAIN”.”.
- (6) In paragraph 26(a), in the substituted Article 27(1) for “the United Kingdom” substitute “Great Britain”.

**23.**—(1) Schedule 34 (cosmetic products) is amended as follows.

(2) In paragraph 3—

(a) for paragraph (c)(i) substitute—

“(i) for “Community market” substitute “market of Great Britain”.”;

(b) sub-paragraph (d), in the substituted point (h) for “United Kingdom market” substitute “market of Great Britain”;

(c) in sub-paragraph (e), for the substituted point (i) substitute—

“(i) “importer” means a person who—

(aa) is established in the United Kingdom and places a cosmetic product from a country outside of the United Kingdom on the market; or

(bb) is established in Northern Ireland and places a cosmetic product 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 6, before sub-paragraph (a) insert—

“(ia) at the beginning of paragraph 1 insert “Subject to Article 5A”.”.

(4) After paragraph 6 insert—

#### “**Insertion of Article 5A**”

**6.** After Article 5 insert—

#### “*Article 5A*”

#### **Obligations of responsible persons established in Northern Ireland**

**1.** Where paragraph 3 applies, a responsible person is to be treated as complying with Articles 3, 8, 10 to 12, 14 to 18, 19(1), (2) and (5) and 20 to 24.

**2.** Where paragraph 4 applies, a responsible person is to be treated as complying with Articles 8, 10 to 12, 14 to 18, 19(1), (2) and (5) and 20 to 24.

**3.** This paragraph applies where—

(a) the responsible person—

(i) is established in Northern Ireland;

(ii) is a responsible person for the purposes of EU Regulation (Northern Ireland);

(iii) has complied with the obligations of a responsible person under Article 5 of EU Regulation (Northern Ireland); and

(iv) when submitting information under Article 13 the responsible person at the same time gives notice to the Secretary of State confirming the matters in points (i) to (iii); and

(b) the cosmetic product is qualifying Northern Ireland goods.

**4.** This paragraph applies where—

- (a) the responsible person is a person—
  - (i) to which Article 2(i)(bb) applies; and
  - (ii) who gives notice to the Secretary of State when submitting information under Article 13 that a responsible person for the purposes of EU Regulation (Northern Ireland) has complied with the obligations of a responsible person under Article 5 of EU Regulation (Northern Ireland); and
- (b) the cosmetic product is qualifying Northern Ireland goods.

**5.** In this Article—

“EU Regulation (Northern Ireland)” means Regulation (EC) No. 1223/2009 of the European Parliament and of the Council of 30<sup>th</sup> December 2008 on cosmetic products (recast), as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the withdrawal agreement.

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.”

**24.**—(1) Schedule 35 (personal protective equipment) is amended as follows.

(2) In paragraph 1(4), in the inserted text, after the inserted regulation 2B, insert—

**“Expiry of regulations 2A and 2B**

**2C.**—(1) Subject to paragraph (2), regulation 2A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 2A—

- (a) any PPE which was placed on the market pursuant to regulation 2A may continue to be made available on the market on or after the expiry of regulation 2A;
- (b) any obligation to which a person was subject under regulation 2A in respect of PPE placed on the market pursuant to regulation 2A continues to have effect after the expiry of regulation 2A, in respect of that PPE.

(3) Subject to paragraph (4), regulation 2B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 2B in relation to a product prior to the expiry of regulation 2B, regulation 2B continues to apply in respect of that product where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to that certificate to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after the conformity assessment procedure referred to in regulation 2B(1)(b) has been carried out in relation to that PPE, in accordance with Article 19(b) or (c) of Regulation 2016/425 (pre-exit).

**Qualifying Northern Ireland Goods**

**2D.**—(1) In this regulation—

“EU Regulation 2016/425 (Northern Ireland)” means Regulation (EU) No. 2016/425 of March 2016 of March 2016 of the European Parliament and of the Council on personal protective



equipment, repealing Council [Directive 89/686/EEC](#), as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

“applicable conformity assessment procedure” means the conformity assessment procedure applicable to the PPE in accordance with Article 19 of EU Regulation 2016/245 (Northern Ireland);

“CE marking” has the meaning given to it in Article 3(18) of EU Regulation 2016/425 (Northern Ireland);

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“technical documentation” means the documentation referred to in Annex III of Regulation 2016/425 (Northern Ireland).

(2) Where paragraph (3) applies—

- (a) PPE is to be treated as being in conformity with the essential safety requirements within the meaning given in EU Regulation 2016/425; and
- (b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Chapter II of EU Regulation 2016/425.

(3) This paragraph applies where—

- (a) PPE is—
  - (i) in conformity with the essential requirements within the meaning given in EU Regulation 2016/245 (Northern Ireland); and
  - (ii) qualifying Northern Ireland goods; and
- (b) each relevant economic operator has complied or is complying with the obligations imposed on them under Chapter II of EU Regulation 2016/425 (Northern Ireland); and
- (c) an importer has complied with the obligations set out in paragraph (4).

(4) The obligations referred to in paragraph (3)(c) are that, before placing the PPE on the market, the importer—

- (a) complies with Article 10(3) of EU Regulation 2016/425;
- (b) ensures that—
  - (i) the applicable conformity assessment procedure has been carried out in relation to the PPE;
  - (ii) the manufacturer has drawn up the technical documentation; and
  - (iii) the PPE bears the CE marking.”.

(3) Omit paragraph 2(5), (6), (8), (11) and (13).

(4) For paragraph 3(4)(a) substitute—

“(a) in points (2) and (3) for “Union market” substitute “market of Great Britain”.”.

(5) In paragraph 3(4)(c) for the substituted definition of “importer” substitute—

“importer” means a person who—

- (a) is established in the United Kingdom and places PPE from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places PPE 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;”.

(6) In paragraph 3(16) before paragraph (a) insert—

“(aa) before paragraph 1 insert—

“**A1.** Paragraph 1 is subject to paragraph 1A.”;

(ab) after paragraph 1 insert—

“**1A.** For a period of 24 months beginning with IP completion day, paragraph 1 does not apply where the UK marking is affixed to—

- (a) a label affixed to the PPE; or
- (b) a document accompanying the PPE.”;

**25.**—(1) Schedule 36 (gas appliances) is amended as follows.

(2) In paragraph 1(4), in the inserted text, after the inserted regulation 2B, insert—

**“Expiry of regulations 2A and 2B**

**2C.**—(1) Subject to paragraph (2), regulation 2A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 2A—

- (a) any appliance or fitting which was placed on the market pursuant to regulation 2A may continue to be made available on the market on or after the expiry of regulation 2A;
- (b) any obligation to which a person was subject under regulation 2A in respect of any appliance or fitting placed on the market pursuant to regulation 2A continues to have effect after the expiry of regulation 2A, in respect of that appliance or fitting.

(3) Subject to paragraph (4), regulation 2B ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 2B in relation to a product prior to the expiry of regulation 2B, regulation 2B continues to apply in respect of that product where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after the conformity assessment procedure referred to in regulation 2B(1) has been carried out in relation to that appliance or fitting, in accordance with Article 14(2) of Regulation 2019/426 (pre-exit).

**Qualifying Northern Ireland Goods**

**2D.**—(1) In this regulation—

“EU Regulation 2016/426 (Northern Ireland)” means Regulation (EU) No. 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels, repealing Council [Directive 2009/142/EC](#), as it has effect by virtue of the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement;

“applicable conformity assessment procedure” means the conformity assessment procedure applicable to the appliance or fitting in accordance with Article 14 of EU Regulation 2016/426 (Northern Ireland);

“CE marking” has the meaning given to it in Article 2(31) of EU Regulation 2016/426 (Northern Ireland);

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“technical documentation” means the documentation referred to in Annex III of Regulation 2016/426 (Northern Ireland).

- (2) Where paragraph (3) applies—
  - (a) an appliance or fitting is to be treated as being in conformity with the essential safety requirements within the meaning given in EU Regulation 2016/426; and
  - (b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Chapter II of EU Regulation 2016/426.
- (3) This paragraph applies where—
  - (a) the appliance or fitting is—
    - (i) in conformity with the essential requirements within the meaning given in EU Regulation 2016/246 (Northern Ireland); and
    - (ii) qualifying Northern Ireland goods; and
  - (b) each relevant economic operator has complied or is complying with the obligations imposed on them under Chapter II of EU Regulation 2016/426 (Northern Ireland); and
  - (c) an importer has complied with the obligations set out in paragraph (4).
- (4) The obligations referred to in paragraph (4)(c) are that, before placing the appliance or fitting on the market, the importer—
  - (a) complies with Article 9(3) of EU Regulation 2016/426;
  - (b) ensures that—
    - (i) the applicable conformity assessment procedure has been carried out in relation to the appliance or fitting;
    - (ii) the manufacturer has drawn up the technical documentation; and
    - (iii) the appliance or fitting bears the CE marking.”.
- (3) In paragraph 2(3)(c), for the substituted definition of “importer” substitute—

““importer” means a person who—

  - (a) is established in the United Kingdom and places an appliance or fitting from a country outside of the United Kingdom on the market; or
  - (b) is established in Northern Ireland and places an appliance or fitting 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;”.
- (4) For paragraph 2(3)(a) substitute—

“(a) in points (14) and (15) for “Union market” substitute “market of Great Britain”;”;
- (5) After paragraph 2(3)(a) insert—

“(aa) in point (16) for “the Union” substitute “Great Britain”;”.
- (6) In paragraph 2(17), before sub-paragraph (a) insert—

“(aa) before paragraph 1 insert—

“**A1.** Paragraph 1 is subject to paragraph (1A).”;

(ab) after paragraph 1 insert—

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 No. 1460*

“**1A.** For a period of 24 months beginning with IP completion day, paragraph 1 does not apply where the UK marking is affixed visibly, legibly and indelibly to—

- (a) a label affixed to the appliance and fitting or their data plate; or
- (b) a document accompanying the appliance and fitting or their data plate.”;

(7) In paragraph 2(34) in the substituted heading for “United Kingdom market” substitute “the market of Great Britain”.

**26.** In Schedule 37 (revocation of retained direct EU and EEA legislation) for paragraph (1)(b) substitute—

- “(b) Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008;”.