
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Conformity Assessment (Mutual Recognition Agreements) and Weights and Measures (Intoxicating Liquor) (Amendment) Regulations 2021

PART 1

Introductory provisions

Citation and commencement

1. These Regulations may be cited as the Conformity Assessment (Mutual Recognition Agreements) and Weights and Measures (Intoxicating Liquor) (Amendment) Regulations 2021 and come into force on the day after the day on which these Regulations are made.

Extent

2.—(1) Regulations 4, 5, 8 and 9 extend to England and Wales and Scotland only.

(2) Save for the regulations set out in paragraph (1), these Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

3. In these Regulations—

- (a) “accreditation” means third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment activities;
- (b) “accreditation body” means an authoritative body that performs accreditation;
- (c) “approved body” has the meaning given to it in the specified Regulations⁽¹⁾;
- (d) “Canadian MRA” means the Protocol on the mutual acceptance of the results of conformity assessment to the Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada⁽²⁾;
- (e) “conformity assessment body” means a body that performs or is responsible for conformity assessment procedures;
- (f) “conformity assessment procedure” means a procedure to determine the extent to which a product, process or service fulfils specified requirements;

(1) The term “approved body” was introduced into the specified Regulations with effect from IP completion day by [S.I. 2019/696](#).
(2) The agreement was published in CP 351. An electronic copy of CP 351 can be found at <https://www.gov.uk/government/publications/ukcanada-agreement-on-trade-continuity-cs-canada-no12020>. Hard copies are available upon request from the Regulatory Environment Team, Department for International Trade, King Charles Street, Whitehall, London, SW1A 2AH, United Kingdom.

- (g) “conformity assessment result” means a result of any conformity assessment procedure carried out in respect of a product, process or service including—
- (i) a report, certificate, authorisation or decision including any annexes or additions thereto relating to such an assessment; or
 - (ii) the affixation of an identification number by an MRA body;
- (h) “MRA” means(3)—
- (i) the Agreement on mutual recognition in relation to conformity assessment, certificates and markings between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia(4);
 - (ii) the Agreement on mutual recognition in relation to conformity assessment between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand(5);
 - (iii) the Agreement on mutual recognition between the Government of the United Kingdom of Great Britain and Northern Ireland and the United States of America(6);
 - (iv) Annex 2-B to the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Korea(7);
 - (v) the Protocol on mutual recognition to the Agreement between the United Kingdom of Great Britain and Northern Ireland and Japan for a Comprehensive Economic Partnership(8); or
 - (vi) the Canadian MRA;
- (i) “MRA body” means a conformity assessment body designated in respect of specified Regulations by the authorities of the other Party to the MRA responsible for designating conformity assessment bodies under the MRA and that is recognised by the United Kingdom under the MRA;
- (j) “other Party” means the party to the MRA which is not the United Kingdom;
- (k) “the specified Regulations” means any of the Regulations listed in Schedule 1;
- (l) “United Kingdom Accreditation Service” means the company limited by guarantee incorporated in England and Wales under number 03076190;
- (m) “UK-recognised Canadian accreditation body” means an accreditation body established in Canada and recognised by the United Kingdom under the Canadian MRA as competent to accredit conformity assessment bodies in relation to the specified Regulations, save for those specified in paragraph 8 of Schedule 1.

(3) All of the agreements listed here are international trade agreements where the other signatory and the European Union were signatories to an international trade agreement immediately before exit day.

(4) The agreement was published in CP 28. An electronic copy of CP 28 can be found at <https://www.gov.uk/government/publications/cs-australia-no22019-ukastralia-agreement-on-mutual-recognition-in-relation-to-conformity-assessment-certificates-and-markings>. Hard copies are available upon request from the Regulatory Environment Team, Department for International Trade, King Charles Street, Whitehall, London, SW1A 2AH, United Kingdom (“the Regulatory Environment Team”).

(5) The agreement was published in CP 27. An electronic copy of CP 27 can be found at <https://www.gov.uk/government/publications/cs-new-zealand-no22019-uknew-zealand-agreement-on-mutual-recognition-in-relation-to-conformity-assessment>. Hard copies are available upon request from the Regulatory Environment Team.

(6) The agreement was published in CP 54. An electronic copy of CP 54 can be found at <https://www.gov.uk/government/publications/cs-usa-no52019-ukusa-agreement-on-mutual-recognition>. Hard copies are available upon request from the Regulatory Environment Team.

(7) The agreement was published in CP 167. An electronic copy of CP 167 can be found at <https://www.gov.uk/government/publications/ukkorea-free-trade-agreement-with-exchange-of-notes-cs-korea-no12019>. Hard copies are available upon request from the Regulatory Environment Team.

(8) The agreement was published in CP 311. An electronic copy of CP 311 can be found at <https://www.gov.uk/government/publications/ukjapan-agreement-for-a-comprehensive-economic-partnership-cs-japan-no12020>. Hard copies are available upon request from the Regulatory Environment Team.

PART 2

Provisions in respect of MRAs

Recognition of conformity assessment

4.—(1) Paragraph (2) applies where, pursuant to an MRA, the United Kingdom is required to recognise or accept a conformity assessment procedure performed or a conformity assessment result issued by an MRA body in respect of a product, process or service to which the specified Regulations apply (a “mutually recognised procedure or conformity assessment result”).

(2) For the purpose of the specified Regulations which are referred to in paragraph (1), the mutually recognised procedure or conformity assessment result is to be treated as if it were performed or issued by an approved body.

Registers of MRA bodies and UK-recognised Canadian accreditation bodies

5.—(1) The Secretary of State may—

- (a) assign an identification number to each MRA body (an “MRA body identification number”);
- (b) compile and maintain a register of—
 - (i) MRA bodies;
 - (ii) their MRA body identification numbers;
 - (iii) the activities for which they have been designated; and
 - (iv) any restriction on those activities; and
- (c) compile and maintain a register of—
 - (i) UK-recognised Canadian accreditation bodies;
 - (ii) the specified Regulations for which they have been recognised; and
 - (iii) any restriction on their accreditation activities.

(2) Any register referred to in paragraph (1) must be made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the registers referred to in paragraph (1).

Designation of UK bodies

6.—(1) The Secretary of State may designate for the purpose of an MRA a conformity assessment body to perform conformity assessment procedures against the legislative, regulatory and administrative requirements of the other Party that are set out in or relate to products specified in an annex or appendix to an MRA listed in Schedule 2 (referred to in this regulation as a “designated body”) and any such designation must include the scope of the activities for which the body is designated.

(2) A body may be designated under paragraph (1) only if the Secretary of State considers that the body is capable of fulfilling the functions of and meets the requirements for a designated body arising out of the MRA (referred to in this regulation as having “designated capability”).

(3) For the purposes of paragraph (2), subject to paragraph (4), the Secretary of State may accept a certificate or schedule, issued by the United Kingdom Accreditation Service, attesting that a conformity assessment body has designated capability, as sufficient evidence that the conformity assessment body has designated capability.

(4) In relation to designation under the Canadian MRA, for the purposes of paragraph (2), where the United Kingdom Accreditation Service has not been recognised by Canada under the Canadian MRA as competent to provide the certificate or schedule referred to in paragraph (3), the Secretary of State may accept an attestation that a conformity assessment body has designated capability issued by another accreditation body as sufficient evidence that the conformity assessment body has designated capability, provided that other accreditation body has been duly recognised by Canada as competent to issue such attestation.

(5) The Secretary of State must monitor each designated body with a view to verifying that the designated body continues to have designated capability.

(6) The Secretary of State may vary the scope of the activities for which the designated body has been designated.

(7) The Secretary of State may restrict, suspend or withdraw any designation of a body under paragraph (1) if—

- (a) the body so requests;
- (b) the Secretary of State considers that the body no longer has designated capability; or
- (c) the Secretary of State is required to do so under the MRA.

(8) Before—

- (a) effecting a variation under paragraph (6); or
- (b) restricting, suspending or withdrawing a designation under paragraph (7), otherwise than at the designated body's request or when required to do so under the MRA,

the Secretary of State must notify and give to the designated body an opportunity to make representations within a reasonable period from the date of the notice and consider any such representations made by the designated body.

(9) The Secretary of State may compile and maintain a register of designated bodies and the activities for which they have been designated.

(10) The Secretary of State may authorise the United Kingdom Accreditation Service to carry out the following activities under this regulation on behalf of the Secretary of State—

- (a) assessing whether a conformity assessment body has designated capability;
- (b) monitoring designated bodies in accordance with paragraph (5); or
- (c) compiling and maintaining the register of designated bodies in accordance with paragraph (9); and
- (d) verifying that the accreditation body referred to in paragraph (4) has been duly recognised by Canada.

Disclosure of information pursuant to an MRA

7.—(1) The Secretary of State, or a person authorised to act on behalf of the Secretary of State, may disclose relevant information to the other Party.

(2) A disclosure made in accordance with paragraph (1) does not breach any obligation of confidence owed by the Secretary of State.

(3) Nothing in this regulation authorises a disclosure of information which contravenes the data protection legislation (but in determining whether a disclosure would do so, the powers conferred by this regulation are to be taken into account).

(4) In this regulation—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act)(9);

“relevant information” means information that the United Kingdom is required to disclose to the other Party under an MRA.

PART 3

Amendments to legislation to implement Annex 2-D to the Agreement between the United Kingdom of Great Britain and Northern Ireland and Japan for a Comprehensive Economic Partnership

Amendment of the Weights and Measures (Intoxicating Liquor) Order 1988

8.—(1) The Weights and Measures (Intoxicating Liquor) Order 1988(10) is amended as follows.

(2) In article 1(2), after the definition of “made wine” but before the “and” insert—

““single distilled shochu” means the spirit drink known as single distilled shochu which is single distilled, produced by pot still and bottled in Japan;”.

(3) In the table in Schedule A1, in the row relating to “Spirit drinks”, in the fourth column, at the end, insert “, or single distilled shochu in containers of a capacity of 720 ml, 900 ml or 1800 ml”.

Amendment of Regulation (EC) No 110/2008

9. In Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89(11), omit Article 24a.

Date

Name
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial
Strategy

(9) 2018 c. 12. There are amendments to this Act but none are relevant to these Regulations.

(10) S.I. 1988/2039, amended by S.I. 2009/663; there are other amending instruments but none is relevant.

(11) EUR 2008/110.