

SCHEDULE 3

[^{F2}Regulation 47]

Operational obligations of [^{F1}approved] bodies

- F1** Word in Sch. 3 heading substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(b)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(a)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

1. [^{F3}An approved] body must carry out conformity assessments in accordance with the relevant conformity assessment procedures.

- F3** Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(c)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Sch. 3 para. 1 in force at 8.12.2016, see **reg. 1(1)**

2. [^{F3}An approved] body must carry out conformity assessments in a proportionate manner, avoiding unnecessary burdens on economic operators.

- F3** Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(c)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** Sch. 3 para. 2 in force at 8.12.2016, see **reg. 1(1)**

3. [^{F3}An approved] body must perform its activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

- F3** Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(c)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I3** Sch. 3 para. 3 in force at 8.12.2016, see **reg. 1(1)**

4. [^{F3}An approved] body must respect the degree of rigour and the level of protection required to ensure that the product is in conformity with the requirements of these Regulations.

- F3** Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(c)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016, SCHEDULE 3. (See end of Document for details)

Commencement Information

I4 Sch. 3 para. 4 in force at 8.12.2016, see [reg. 1\(1\)](#)

5. Where [^{F3}an approved] body finds that essential health and safety requirements or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity or grant an approval.

F3 Words in Sch. 3 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 25 para. 39\(c\)](#) (with Sch. 25 para. 34) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I5 Sch. 3 para. 5 in force at 8.12.2016, see [reg. 1\(1\)](#)

6. Where, in the course of the monitoring of conformity following the issue of a certificate or grant of an approval, [^{F3}an approved] body finds that a product is no longer in conformity with the essential health and safety requirements, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate of conformity or approval (if necessary).

F3 Words in Sch. 3 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 25 para. 39\(c\)](#) (with Sch. 25 para. 34) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I6 Sch. 3 para. 6 in force at 8.12.2016, see [reg. 1\(1\)](#)

7. Where the [^{F4}approved] body has required a manufacturer to take corrective measures and the manufacturer has failed to take such measures, or those measures have not had the required effect, the [^{F4}approved] body must restrict, suspend or withdraw any certificate of conformity or approval.

F4 Word in Sch. 3 para. 7 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 25 para. 39\(b\)](#) (with Sch. 25 para. 34) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I7 Sch. 3 para. 7 in force at 8.12.2016, see [reg. 1\(1\)](#)

8. Paragraph 9 applies where [^{F3}an approved] body is minded to—

- (a) refuse to issue a certificate of conformity or grant an approval;
- (b) restrict, suspend or withdraw a certificate of conformity or approval.

F3 Words in Sch. 3 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 25 para. 39\(c\)](#) (with Sch. 25 para. 34) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I8 Sch. 3 para. 8 in force at 8.12.2016, see [reg. 1\(1\)](#)

9. Where this paragraph applies, the [^{F5}approved] body must—
- (a) give the person applying for the certificate or approval, or the person to whom the certificate or approval was given, a notice in writing giving reasons and specifying the date on which the refusal, restriction, suspension or withdrawal is intended to take effect;
 - (b) give the person applying for the certificate or approval, or the person to whom the certificate or approval was given, an opportunity to make representations within a reasonable period from the date of the notice; and
 - (c) take account of any such representations before taking its decision.

F5 Word in Sch. 3 para. 9 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 25 para. 39(b) (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I9 Sch. 3 para. 9 in force at 8.12.2016, see reg. 1(1)

10. [^{F3}An approved] body must inform the Secretary of State of—
- (a) any refusal, restriction, suspension or withdrawal of a certificate of conformity or approval;
 - (b) any circumstances affecting the scope of, or conditions for, notification under [^{F6}regulation 43 (approval of conformity assessment bodies)];
 - (c) any request for information which it has received from the market surveillance authority regarding conformity assessment activities; and
 - (d) on request, any conformity assessment activities performed within the scope of its [^{F7}approval under regulation 43] and any other activity performed, including cross-border activities and subcontracting.

F3 Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 25 para. 39(c) (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F6 Words in Sch. 3 para. 10(b) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 25 para. 39(d) (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F7 Words in Sch. 3 para. 10(d) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 25 para. 39(e) (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I10 Sch. 3 para. 10 in force at 8.12.2016, see reg. 1(1)

11. [^{F3}An approved] body must make provision in its contracts with its clients enabling such clients to appeal against a decision—

- (a) to refuse to issue a certificate of conformity or grant an approval; or
- (b) to restrict, suspend or withdraw a certificate of conformity or approval.

F3 Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 25 para. 39(c) (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

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Commencement Information

I11 Sch. 3 para. 11 in force at 8.12.2016, see [reg. 1\(1\)](#)

12. [^{F3}An approved] body must provide other [^{F8}bodies approved under these Regulations] carrying out similar conformity assessment activities covering the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.

- F3** Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(c)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Sch. 3 para. 12 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(f)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I12 Sch. 3 para. 12 in force at 8.12.2016, see [reg. 1\(1\)](#)

13. [^{F3}An approved] body must participate in the work of any [^{F9}approved body coordination group established by the Secretary of State], directly or by means of its designated representatives.

- F3** Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(c)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Sch. 3 para. 13 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(g)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I13 Sch. 3 para. 13 in force at 8.12.2016, see [reg. 1\(1\)](#)

14. [^{F3}An approved] body must—

- (a) acknowledge receipt of the technical documentation provided by the manufacturer in accordance with regulation 39(1)(b)(ii)(bb) (conformity assessment procedures) as soon as possible; and
- (b) retain the technical documentation referred to in sub-paragraph (a).

- F3** Words in Sch. 3 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 25 para. 39(c)** (with Sch. 25 para. 34) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I14 Sch. 3 para. 14 in force at 8.12.2016, see [reg. 1\(1\)](#)

Changes to legislation:

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