

SCHEDULE 33

Amendment of Regulation (EC) No 765/2008

19. In Article 19—

- (a) in paragraphs 1, 2, 4 and 5 for “shall” substitute “ must ” in each place it occurs;
- (b) in paragraph 2 omit “within their territories”;
- (c) for paragraph 3 substitute—

“**3.** Where a market surveillance authority decides to withdraw a product manufactured in the United Kingdom, it must inform the economic operator concerned at the address indicated on the product in question or in the documentation accompanying the product.”

- (d) for paragraph 5, substitute—

“**5.** Market surveillance authorities must observe confidentiality where necessary in order to protect commercial secrets or to preserve personal data pursuant to national legislation, subject to the requirements that:

- (a) information be made public under this Regulation to the fullest extent necessary in order to protect the users in the United Kingdom;
- (b) the protection of confidentiality shall not prevent the dissemination to market surveillance authorities of information relevant to ensuring the effectiveness of market surveillance activities.”

Commencement Information

- II** Sch. 33 para. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 19.