

SCHEDULE 13

Regulation 14

Amendment to the Non-automatic Weighing Instruments 2016

1. The Non-automatic Weighing Instruments Regulations 2016 are amended in accordance with paragraphs 2 to 8.

Amendment to Part 1

2.—(1) In regulation 2(1)—

- (a) in the following definitions for “EEA” substitute “relevant”—
 - (i) “accreditation certificate”;
 - (ii) “market surveillance authority”;
 - (iii) “notified body”;
- (b) in the definition of “authorised representative” for “European Economic Area” substitute “relevant market”;
- (c) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “European Economic Area” substitute “relevant market”;
 - (ii) for “third country on the European Economic Area” substitute “market outside of the relevant market on the relevant”;
- (d) after the definition of “national accreditation body” insert—

““NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;”;
- (e) in the definition of “make available on the market” for “European Economic Area market” substitute “relevant market”;
- (f) in the definition of “place on the market” for “market in the European Economic Area” substitute “relevant market”;
- (g) after the definition of “relevant economic operator” insert—

““relevant market” means—

 - (a) the market in Northern Ireland; and
 - (b) the market of the EEA states;

“relevant state” means—

 - (a) Northern Ireland; or
 - (b) any EEA state;”;
 - (h) omit the definition of “Union harmonisation legislation”.

(2) In regulation 2(2) for “EEA” substitute “relevant”.

Amendment to Part 2

3.—(1) In regulations 10(3), 11(2), 15, 18(3), 19(2), and 27(3) for “the United Kingdom” substitute “Northern Ireland”.

(2) In regulation 12(3) for “EEA” substitute “relevant”.

(3) In regulation 15 for “European Economic Area” substitute “relevant market”.

Amendment to Part 3

- 4.—(1) In regulation 40(2) for “the United Kingdom” substitute “Northern Ireland”.
- (2) In regulation 41—
- (a) in paragraph (1) for “a requirement of European Union legislation” substitute “an NI Protocol obligation”;
 - (b) in paragraph (2) before “Union” insert “relevant”.

Amendment to Part 5

- 5.—(1) In regulation 47—
- (a) for “EEA” substitute “relevant” (three times);
 - (b) in paragraph (2)(b)—
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) for “used.” substitute “used;”;
 - (c) after paragraph (2)(b) insert—
 - “(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.
- (2) In regulation 49—
- (a) in paragraph (1) for “EEA” substitute “relevant”;
 - (b) in paragraph (6) for “member States” substitute “relevant states”.
- (3) In regulation 54(5) for “EEA” substitute “relevant”.

Amendment to Part 8

- 6.—(1) In regulation 58—
- (a) in paragraph (4)(b) at the end insert “in Northern Ireland”;
 - (b) in paragraph (6)—
 - (i) at the beginning insert “Subject to paragraph (6A),”;
 - (ii) for “the United Kingdom” substitute “Northern Ireland”;
 - (iii) for “EEA” substitute “relevant”;
 - (c) after paragraph (6) insert—
 - “(6A) Paragraph (6) does not require the Secretary of State to inform the Commission or the other relevant states where the non-compliance extends only to any of England or Wales or Scotland.”;
 - (d) in paragraph (7) for “the European Economic Area” substitute “Northern Ireland”;
 - (e) in paragraph (8) after “on the market” insert “in Northern Ireland”;
 - (f) in paragraph (9) for “EEA” substitute “relevant”.
- (2) In regulation 59—
- (a) in paragraph (1)—
 - (i) for “EEA” in the first two places in which it occurs substitute “relevant”;

- (ii) in sub-paragraph (b) for “instrument; and” substitute “instrument.”;
 - (iii) omit sub-paragraph (c).
- (b) in paragraph (2) for “EEA” substitute “relevant”.
- (3) In regulation 60—
 - (a) in paragraph (2)—
 - (i) in sub-paragraph (a) after “market” insert “in Northern Ireland”;
 - (ii) in sub-paragraph (b) after “market” insert “in Northern Ireland”;
 - (b) in paragraph (3) for “EEA” substitute “relevant”.
- (4) In regulation 64—
 - (a) in paragraph (3)(a) after “market” insert “in Northern Ireland”;
 - (b) omit paragraph (6).

Amendment to Part 10

- 7. In regulation 77(2) for “EEA” substitute “relevant”.

Amendment to Schedules

- 8. In Schedule 3—
 - (a) in paragraph 1 for “an EEA” substitute “a relevant”;
 - (b) in paragraph 11(c) for “European Union harmonisation legislation” insert “any NI Protocol obligation”;
 - (c) in paragraph 16—
 - (i) for “the European” substitute “any relevant”;
 - (ii) after “legislation” insert “as it applies in Northern Ireland under a NI Protocol obligation”.