



Office for Product
Safety & Standards

Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016

As they apply to equipment and systems being supplied in or
into Great Britain

Guidance v2

November 2021



Contents

Guidance	3
1. Introduction	3
2. Legislative Background.....	3
3. Scope	3
4. Obligations of manufacturers	4
5. Obligations of authorised representatives.....	6
6. Obligations of importers.....	6
7. Obligations of distributors	9
8. Transitional arrangements	9
9. UKCA Marking	10
10. Qualifying Northern Ireland Goods	11
11. Approved Bodies	12
12. Enforcement and penalties	12
13. Glossary	13

Guidance

1. Introduction

This Guide is for businesses placing equipment and protective systems intended for use in potentially explosive atmospheres on the market in Great Britain.

This Guide is designed to help you comply with The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016, as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (referred to in this document as the “2016 Regulations”). The 2016 Regulations set out the requirements that must be met before products can be placed on the GB market. The purpose of the legislation is to ensure safe products are placed on the GB market by requiring manufacturers to show how their products meet the ‘essential health and safety requirements’.

2. Legislative Background

The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 implemented Directive 2014/34/EU on equipment and protective systems intended for use in potentially explosive atmospheres.

The EU Withdrawal Act 2018 preserves the Regulations and enables them to be amended so as to continue to function effectively now that the UK has left the EU. Accordingly, the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019¹ fix any deficiencies that arose from the UK leaving the EU (such as references to EU institutions) and make specific provision for the GB market.

3. Scope

The 2016 Regulations apply to equipment and protective systems intended for use in potentially explosive atmospheres as defined in regulation 3.

Specifically, the Regulations relate to:

- equipment intended for use in potentially explosive atmospheres, defined as machines, apparatus, fixed or mobile devices, control components and instrumentation thereof and detection or prevention systems which, separately or jointly, are intended for the generation, transfer, storage, measurement, control and conversion of energy or the processing of material and which are capable of causing an explosion through their own potential sources of ignition;

¹ The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 were amended by the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 to provide for a 24 month transition period for importer labelling (for goods from the EEA), and the UKCA marking, to amend the definition of “authorised representative” as well as introducing an end (in 12 months from the end of the Transition Period) to the recognition of goods meeting EU requirements, as well as introducing provisions for qualifying Northern Ireland goods. On 24 August 2021 the Government announced the transition period for UKCA marking would be extended until 31 December 2022. Legislation will be placed before Parliament in the autumn to give effect to this.

- protective systems intended for use in potentially explosive atmospheres, defined as devices which are intended to halt incipient explosions immediately and/or to limit the effective range of explosion flames and explosion pressures. Protective systems may be integrated into equipment or separately placed on the market for use as autonomous systems;
- safety devices, controlling devices and regulating devices intended for use outside potentially explosive atmospheres but which are required for or contribute to the safe functioning of equipment and protective systems, with respect to the risks of explosion; and
- components defined as any item essential to the safe functioning of equipment and protective systems but with no autonomous function.

The 2016 Regulations do not apply to products listed in regulation 3(3).

4. Obligations of manufacturers

A manufacturer is a person who manufactures products, or has products designed or manufactured, and markets those products under their name or trademark.

Obligations of manufacturers of products:

1. Before placing a product on the GB market, a manufacturer must ensure that the product has been designed and manufactured in accordance with the essential health and safety requirements and that they have had the relevant conformity assessment procedure carried out and technical documentation drawn up.
2. Once this has been completed, a manufacturer must draw up a declaration of conformity, or a written attestation of conformity (for components of products), ensure that declaration or attestation accompanies the product; where applicable affix the UKCA marking² and the specific marking of explosion protection followed by the symbol of the equipment group and category to the product. Until 31 December 2023³, the UKCA marking may be affixed to a label affixed to, or a document accompanying, the product.
3. Qualifying Northern Ireland goods can be placed on the GB market with the CE and CE UKNI conformity markings, see further detail in Section 10 on Qualifying Northern Ireland Goods.
4. Manufacturers must keep the declaration of conformity up to date and keep it, along with the technical documentation, for 10 years after the equipment has been placed on the GB market.

² Until 31 December 2022 equipment conforming to EU rules, including the CE marking, may be placed on the market of Great Britain.

³ On 24 August 2021 the Government announced the transition periods for UKCA marking and UKCA labelling would each be extended until 31 December 2022 and 31 December 2023 respectively. Legislation will be placed before Parliament in the autumn to give effect to this.

5. Manufacturers must label their products with their name, registered trade name or registered trade mark, a postal address, and the type batch or serial number (or other identification). Where the size and nature of the product does not provide sufficient space to include the type, batch or serial number (or other identification) and/or it is not possible to include the manufacturer's name, registered trade name or registered trade mark or a postal address on the product, the manufacturer must ensure the information is provided on the packaging or in a document accompanying the product.
6. Save where the product is a component, manufacturers must also ensure it bears the specific marking of explosion protection referred to in paragraph 5(1)(f) of Schedule 1 to the 2016 Regulations, and, where applicable, bears the other markings and information referred to in paragraph 5 of Schedule 1.
7. Manufacturers must ensure that their products are accompanied by relevant instructions and safety information in easily understandable English.
8. Manufacturers must, when appropriate with regard to any risk posed to end-users, carry out sample testing of products and investigate any complaints that the products are not in conformity and keep records of these complaints.
9. Manufacturers must take action where they have reason to believe that the products they have placed on the GB market are not in conformity with the 2016 Regulations.
10. Manufacturers must also cooperate with and provide information to enforcing authorities following any requests.
11. Manufacturers based in Northern Ireland can follow the legislation as it applies to Northern Ireland and place qualifying Northern Ireland goods on the GB market without any additional approvals. See further detail in Section 10 on Qualifying Northern Ireland Goods.

Technical Documentation

Until 31 December 2020, the regulations explicitly required a manufacturer to supply a Notified Body with relevant technical documentation and the Notified Body to acknowledge receipt of the documentation provided by the manufacturer and retain the information so that it was available to market surveillance authorities.

Unfortunately, the requirement for the manufacturer to supply a Notified Body with relevant technical documentation was inadvertently deleted from the regulations as they apply from 1 January 2021 to Class I – category M2 and Class II – category 2 equipment which is neither electrical or powered by internal combustion engine, and which has been conformity assessed by the manufacturer on the basis of Module A – Internal Production Control. Nevertheless, the policy and intention of the regulations remains the same, and the omitted explicit obligation will be restored as soon as a legislative opportunity arises.

In the meantime, manufacturers should continue to supply the technical files to an Approved Body so that they in turn can meet their requirements in the regulations to retain the information for market surveillance authorities to review.

5. Obligations of authorised representatives

Manufacturers are able to appoint authorised representatives to perform certain tasks on their behalf.

Mandated authorised representatives for the GB market can be based in GB or Northern Ireland but cannot be based outside the UK. A manufacturer can only mandate an authorised representative established in the UK under the Regulations as they apply in GB.

No GB-based authorised representatives are recognised under EU law. This means GB-based authorised representatives cannot carry out tasks on the manufacturer's behalf for products being placed on the Northern Ireland or EEA markets. Therefore, a GB manufacturer selling products to the EEA or into Northern Ireland, who wishes to appoint an authorised representative to carry out tasks for them in respect of those products, must appoint an authorised representative based in Northern Ireland or the EEA.

An authorised representative must comply with all the duties imposed on the manufacturer under the 2016 Regulations that they are appointed by the manufacturer to perform. There are some duties that a manufacturer cannot mandate an authorised representative to perform (e.g. conformity assessment) and some that must form part of the authorised representatives mandate (e.g. retention of technical documentation).

A manufacturer remains responsible for the proper performance of any obligations the authorised representative performs on their behalf.

Any references in the 2016 Regulations to the manufacturer are to be taken to include a reference to the authorised representative including in relation to penalties for failure to comply with those duties.

6. Obligations of importers

An importer is a person or business based in the UK who places equipment and protective systems on the GB market from a country outside the UK. This means that UK businesses which used to act as a 'distributor' before the end of the transition period legally become an 'importer' if they place products from an EEA country on the GB market.

This includes equipment and protective systems that are supplied to NI businesses from the EEA and then placed on the GB market. In this instance the NI business will take on importer obligations for EEA-supplied goods that are placed on the GB market (see also Section 10 on Qualifying Northern Ireland Goods).

Importers have additional legal obligations that go beyond those of distributors, such as checking that manufacturers have carried out the required conformity assessment procedures and including their (the importer's) name, registered trade name or mark and a postal address on the product or, where this is not possible, on its packaging or in accompanying documentation.

To assist with the transition, the UK is applying a transitional period ending 31 December 2022 to allow those UK operators who import goods from the EEA or Switzerland (who from 1 January 2021 are importers) into the GB market to provide their details on the accompanying documentation or packaging as an alternative to placing them on the product itself (even where it would be otherwise possible to include it on the product). This applies to goods that are not qualifying Northern Ireland goods. For further detail on qualifying Northern Ireland goods, please see Section 10 on Qualifying Northern Ireland Goods.

Can you be contacted easily if there is a problem?

A key principle underpinning product safety, for the benefit of consumers and regulators, is traceability of a product back to its source.

In recognition that under the new regulatory regime you may have the new status of an importer when placing products from an EEA or Switzerland state on the GB market, you are temporarily permitted when placing such products on the market (until 31 December 2022) to indicate your name, registered trade name or registered trade mark and postal address on the product's packaging or in a document accompanying the product, instead of on the product itself. As set out above, this is usually only permitted where it is not possible to provide the specified information on the product itself. This additional temporary easement is permitted until 31 December 2022⁴.

We understand that there may be a period of adjustment to the new arrangements for importer documentation for the GB market, and it may be difficult to provide your details on documentation accompanying each and every individual product.

You may therefore use an alternative method where, for example, your contact information is on a document accompanying a batch of products. This document would then follow each batch of products through the distribution chain. Your contact details must follow each product through the distribution chain, but not necessarily by one document per product. Ultimately, the end user, each distributor (and a regulator) must be able to access the information.

Methods which enable traceability of the product after the initial batch has been broken up could include:

- The importer address is present in shipping documents.
- The importer address is present on the invoice to the GB customer.
- The importer address is present on the label that is on the outer packaging ("shipper") in which a number of finished goods is packed (normally customers will receive shippers unless the order is very small so that the shipper has to be opened and split).
- The importer address is included on the EU Declaration of Conformity and/or UK Declaration of Conformity (whichever is relevant for the product in question).

You should work with your distributors to ensure physical documentation does accompany batches of product as far as possible, and in all cases that there are measures in place to ensure end users are able to identify the UK importer.

Alongside that, but not as an alternative, you can use your company website to provide more information, access to product details and contact points for retailers, consumers and enforcement bodies.

These options are for a time limited period only and may not be used after 31 December 2022. You are encouraged to put in place measures to ensure that individual items do carry the importer's address where required ahead of this date.

The EU does not have any such transitional provision. In the absence of this, equipment and protective systems being sold from GB to NI or the EEA must be labelled with the NI or EU-based importer's address.

⁴ The end date for the easement for importer labelling was not changed by the announcement on 24 August 2021.

The obligations of importers in the UK include:

1. Before placing a product on the GB market an importer must ensure that it is in conformity with the essential health and safety requirements.
2. The importer must ensure that the relevant conformity assessment has been carried out by the manufacturer; the manufacturer has drawn up technical documentation; the product is UKCA marked⁵ and is accompanied by the declaration of conformity or attestation of conformity (as applicable) as well as required labelling including the specific marking of explosion protection followed by the symbol of the equipment group and category to the product and manufacturer's identification. Until 31 December 2023, the UKCA marking may be affixed to a label affixed to, or a document accompanying, the product.
3. The importer must keep a copy of the declaration of conformity or attestation of conformity (as applicable) and technical documentation for a period of 10 years after the product has been placed on the GB market.
4. The importer must not place products on the GB market unless they conform with the essential health and safety requirements.
5. The importer must provide their name, registered trade name or registered trade mark and a postal address at which they can be contacted on the product or, where it is not possible to provide this on the product, or where the importer has imported the product from an EEA state or Switzerland and places it on the GB market before 31 December 2022, on its packaging or in an accompanying document.
6. The importer must ensure that when placing a product on the GB market, it is accompanied by instructions which can be easily understood by the end user.
7. The importer must, when appropriate, with regard to any risk posed to end-users, carry out sample testing of products and investigate complaints about products that are not in conformity with the 2016 Regulations and keep a register of those complaints.
8. The importer must take action where they have reason to believe that the products that they have placed on the GB market are not in conformity with the 2016 Regulations.
9. The importer must ensure that while products are under their responsibility, their storage and transport conditions do not jeopardise their conformity with the essential health and safety requirements.
10. The importer must also cooperate with and provide information to enforcing authorities following any requests.

Qualifying Northern Ireland goods complying with the legislation as it applies in Northern Ireland, including affixing the CE marking, may also be placed on the GB market. See further detail in Section 10 on Qualifying Northern Ireland Goods.

⁵ Until 31 December 2022, equipment conforming to EU rules, including the CE marking, may be placed on the market of Great Britain.

7. Obligations of distributors

UK businesses which were distributors of goods within the EU single market should now consider whether they are importers from the EU single market and therefore what additional requirements they need to comply with – see section 6 above, when placing products on the GB market. The same applies to distributors of goods from the EEA and Switzerland.

A distributor is any person, other than the manufacturer or importer, who makes products available on the GB market.

The obligations of distributors include:

1. When making a product available on the GB market a distributor must act with due care to ensure that it is in conformity with Part 2 of the 2016 Regulations, which means the product must be in conformity with the essential health and safety requirements.
2. Where a distributor considers that a product is not in conformity with the health and safety requirements, the distributor must not make that product available on the GB market.
3. Before placing a product on the GB market, the distributor must verify that the product bears a UKCA marking⁶ (or), is accompanied by the declaration of conformity or the attestation of conformity; that it is accompanied by instructions and safety information and that the importer and manufacturer have complied with their obligations as to required labelling including the specific marking of explosion protection followed by the symbol of the equipment-group and category to the product and their identification. Until 31 December 2023, the UKCA marking may be affixed to a label affixed to, or a document accompanying, the product.
4. The distributor must take action where they have reason to believe that the products that they have made available on the GB market are not in conformity with the 2016 Regulations.
5. The distributor must ensure that while products are under their responsibility, their storage and transport conditions do not jeopardise their conformity with the essential health and safety requirements.
6. The distributor must also cooperate with and provide information to enforcing authorities following any requests.

8. Transitional arrangements

Products placed on the market before 1 January 2021

If you placed an individual fully manufactured product on the EEA or the UK market (either in Northern Ireland or Great Britain) before 1 January 2021, you do not need to do anything new. These individual goods can continue to circulate on either market until they reach their end user and do not need to comply with the changes that took effect from 1 January 2021.

⁶ Until 31 December 2022, equipment conforming to EU rules, including the CE marking, may be placed on the market of Great Britain – see below); qualifying Northern Ireland goods complying with NI rules, including the CE marking, may also be placed on the GB market – see below.

A fully manufactured good is ‘placed on the market’ when there is a written or verbal agreement (or offer of an agreement) to transfer ownership or possession or other rights in the product. This does not require physical transfer of the good.

You can usually provide proof of placing on the market on the basis of any relevant document ordinarily used in business transactions, including:

- contracts of sale concerning goods which have already been manufactured and meet the legal requirements;
- invoices; and
- documents concerning the shipping of goods for distribution.

The relevant economic operator (whether manufacturer, importer or distributor) bears the burden of proof for demonstrating that the good was placed on the EEA or UK market before 1 January 2021.

Existing CE marked stock

The UK will allow CE marked equipment and protective systems that have been either self-declared as compliant (where permissible), or where compliance must and has been demonstrated through assessment by an EU-recognised conformity assessment body (notified body), to be placed on the GB market until 31 December 2022.

Equipment and protective systems lawfully placed on the market with a CE marking by 31 December 2022 can continue to circulate on the GB market after this date.

9. UKCA Marking

Assessment through third-party organisations

From 1 January 2021, equipment and protective systems that are conformity assessed by a UK approved body should be UKCA marked, not CE marked. If the conformity assessment was carried out by a UK conformity assessment body and the CE marking was affixed to the fully made product before 1 January 2021, the CE marking can still be used, but the product must be placed on the GB market before 31 December 2022⁷.

Where the product has been assessed by an EU notified body, manufacturers must continue to use the CE marking for products, instead of the new UKCA marking. CE marked products can only be placed on the GB market until 31 December 2022. Qualifying Northern Ireland goods complying with the legislation as it applies in Northern Ireland, including affixing the CE marking, may be placed on the GB market after 31 December 2022. See further detail in Section 11 on Qualifying Northern Ireland Goods.

Rules around physically affixing the new UKCA marking mirror those which currently apply for the application of the CE marking although, until 31 December 2023, the UKCA marking may be affixed to a label affixed to the product, or a document accompanying the product, rather than being affixed to the product itself (even where it is otherwise possible to affix it to the equipment itself).

⁷ On 24 August 2021 the Government announced the transition periods for UKCA marking and UKCA labelling would each be extended until 31 December 2022 and 31 December 2023 respectively. Legislation will be placed before Parliament in the autumn to give effect to this.

Self-declaration

Where the conformity assessment procedures allow for self-declaration of conformity with the essential health and safety requirements (e.g. equipment falling in Category M2 and 2 equipment in Groups I and II respectively which are not electrical or powered by internal combustion machines) manufacturers selling goods on the GB market can affix the new UKCA marking before placing a product on the GB market. Alternatively, until 31 December 2022, manufacturers placing products on the GB market can affix the CE marking based on self-declaration of conformity with EU rules by the manufacturer, where this is permitted in the EU Directive.

It is possible to affix both the UKCA marking and the CE marking to the same product where self-declaration is permitted, as long as the EU and GB requirements remain the same. When selling to the EU or placing on the NI market, the CE marking remains mandatory.

Testing Certificates:

Where conformity assessment is a 2-stage process, it is possible for products to have an EU-type-examination certification (1st stage) followed by a UK declaration by the manufacturer or third party of the production process under the responsibility of an approved body (2nd stage) until 31 December 2022. Such equipment and protective systems should have the UKCA marking followed by the UK approved body number.

Further guidance on UKCA marking can be found here:

<https://www.gov.uk/guidance/using-the-ukca-marking>

10. Qualifying Northern Ireland Goods

The government committed to providing unfettered access for qualifying Northern Ireland goods to the rest of the UK market after 1 January 2021. Products that can be placed on the market in Northern Ireland in accordance with the legislation, as it applies to Northern Ireland, can be sold in the rest of the UK without any additional approvals.

This means that products that are qualifying Northern Ireland goods can be sold in the rest of the UK if any of the following apply:

- the CE marking is lawfully applied to the good on the basis of self-declaration
- any mandatory third-party conformity assessment was carried out by an EU-recognised notified body (including a body in a country with which the EU has a relevant mutual recognition agreement) and a CE marking is affixed
- the certificate of conformity previously held by a UK approved body has been transferred to an EU-recognised notified body and a CE marking has been affixed
- any mandatory third-party conformity assessment was carried out by a UK-based body, and the good is therefore marked with the CE marking and with the new UKNI marking

This will be the case even if there are changes between the EU rules that the Northern Ireland Protocol applies to NI and the GB rules.

You can find more information about the UKNI marking here:

<https://www.gov.uk/guidance/using-the-ukni-marking>

NI businesses that are importing products from the EEA and placing them on the GB market must ensure that the relevant conformity assessment procedure has been carried out, that the technical documentation has been drawn up and that the equipment bears the CE marking. They will also have to comply with the importer labelling duties (see Section 6 on obligations of importers).

You can find out more about qualifying Northern Ireland goods here:

<https://www.gov.uk/guidance/moving-qualifying-goods-from-northern-ireland-to-the-rest-of-the-uk>

11. Approved Bodies

The UK has established a new framework for UK based bodies to assess products against GB rules. Existing UK notified bodies have been granted new UK 'approved body' status and are listed on a new UK database.

Approved bodies are UK based conformity assessment bodies which have been approved by the Secretary of State to carry out the procedures for conformity assessment and certification for the GB market as set out in the 2016 Regulations.

These approved bodies retain their 4-digit identification number. New approved bodies will be assigned a number by the Office for Product Safety and Standards on behalf of the Secretary of State.

Approved bodies can assess products for the GB market against GB essential health and safety requirements (which are, as yet, substantially the same as EU essential requirements).

UK approved bodies must be established in the UK and be independent of the manufacturer. Approved bodies must examine the technical documentation and supporting evidence in respect of equipment which falls within the scope of the 2016 Regulations to assess the adequacy of the technical design.

Where an approved body finds that essential safety requirements have not been met by a manufacturer, they must not issue a certificate of conformity and they must require the manufacturer to take corrective measures.

A register of UK Approved Bodies can be found on the UKMCAB system at the link here:

<https://www.gov.uk/uk-market-conformity-assessment-bodies>

The register also contains details of bodies in other countries such as Australia, New Zealand, Canada, Japan, and the United States of America, which the UK is designating as Approved Bodies through Mutual Recognition Agreements.

12. Enforcement and penalties

For products intended for workplace use, the [Health and Safety Executive \(HSE\)](#) has a duty to enforce the Regulations in Great Britain.

The Office of Nuclear Regulation is responsible for enforcement in relation to products intended to be used on nuclear sites in Great Britain.

The 2016 Regulations provide powers to the Secretary of State or a person appointed to act on their behalf to enforce the Regulations and RAMS (Regulation EC 765/2008, as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, which sets out requirements for market surveillance of products.

Note: ATEX has separate Regulations for Northern Ireland not covered by this guidance. The Health and Safety Executive for Northern Ireland (HSENI) are responsible for enforcement in Northern Ireland.

The 2016 Regulations also provide powers to market surveillance authorities to take action against economic operators for products that present a risk or are not in conformity with the Regulations, as set out in regulation 55 to 60. Economic operators are also required to co-operate with the enforcement authority and on request, must provide information and take action as appropriate.

The UK market surveillance authorities (HSE, ONR) will take all appropriate measures to withdraw from the GB market or to prohibit and restrict the supply of products which may endanger the health and safety of persons, property or the environment.

Regulators' Code

Market surveillance authorities must continue to have regard to the Regulators' Code when developing the policies and operational procedures that guide their regulatory activities in this area. They should carry out their activities in a way that supports those they regulate to comply and grow, including choosing proportionate approaches that reflect risk.

In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required, or decisions taken, and the reasons for these. Unless immediate action is needed to prevent a serious breach, regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent. The Secretary of State takes account of the provisions of both the Regulators' Code and the Growth Duty in exercising their regulatory functions.

A link to the Regulators' Code can be found here:

<https://www.gov.uk/government/publications/regulators-code>

Penalties

A person committing an offence under the Regulations may be liable to a penalty. Penalties can include:

- a fine or prison sentence of up to three months, or both, on summary conviction, or
- a fine or prison sentence of up to two years, or both, on conviction or indictment.

It is a matter for the enforcement authority to decide what action is appropriate in each case taking into account the circumstances of the case and the enforcement authorities' own policies, operational procedures and practices in line with the Regulators' Code. Should a prosecution take place, it is at the discretion of the court to decide the penalties imposed on the offender.

13. Glossary

- **Approved Body** – A conformity assessment body which has been approved by the Secretary of State or was previously a 'notified body' before 1 January 2021.
- **Authorised Representative** – A person appointed in writing by a manufacturer to perform specific tasks for the manufacturer. From 1 January 2021, authorised representatives for the GB market must be based in the UK. Manufacturers remain ultimately responsible for ensuring these tasks are carried out properly.

- **Declaration of conformity** – A document prepared by the manufacturer which must detail the following:

- the specific product to which the declaration is referring; and
- the name and address of the manufacturer and, where applicable, their authorised representative

This must be kept by the manufacturer for a period of ten years from the date on which product was placed on the GB market. This declaration must be made available to the enforcing authority upon request.

- **Distributor** – Any person in the GB supply chain, other than the manufacturer or the importer, who makes a product available on the GB market.
- **Market Surveillance Authority** – This is the Health and Safety Executive or the Office for Nuclear Regulation (when the product is used on a nuclear site).
- **Importer** – A person established in the UK who places a product from a country outside of the UK on the GB market. This includes a person based in NI who has been supplied with the product from an EEA country, who would, under NI law, be a distributor. A person who before 1 January 2021 (under EU Rules) distributed products within the EU (including the UK, and including Switzerland) will now be an importer if they are bringing products into GB from another country (including EU Member States, the EEA or Switzerland).
- **Manufacturer** – A person who manufactures a product, or has a product designed or manufactured, and markets that product under their name or trademark.
- **UKCA Marking** – The UKCA (UK Conformity Assessed) marking is the new UK conformity marking used for certain goods being placed on the GB market, in place of the CE marking which is the conformity marking used in Northern Ireland and the European Union.
- **UKNI Marking** (also known as the UK(NI) indication) – The UKNI marking is a new marking applied in addition to the CE marking, where a good requiring mandatory third-party conformity assessment has been tested against EU requirements by a UK body. The UKNI marking applies when placing such products on the Northern Ireland market. Under the Government's unfettered access commitments, products lawfully marked with the UKNI marking can also be placed on the GB market if they are also qualifying Northern Ireland goods.

© Crown copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit www.nationalarchives.gov.uk/doc/open-governmentlicence/version/3/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk. Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/publications/equipment-and-protective-systems-intended-for-use-in-potentially-explosive-atmospheres-regulations-2016>

Contact us if you have any enquiries about this publication, including requests for alternative formats, at: OPSS.enquiries@beis.gov.uk

Office for Product Safety and Standards

Department for Business, Energy and Industrial Strategy
4th Floor, Cannon House, 18 The Priory Queensway, Birmingham B4 6BS
<https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>