Office for Product Safety & Standards

UK Product Safety and Metrology Guidance in a 'no deal' Brexit

This guidance does not apply before the UK leaves the EU and only applies if the UK leaves the EU without a deal

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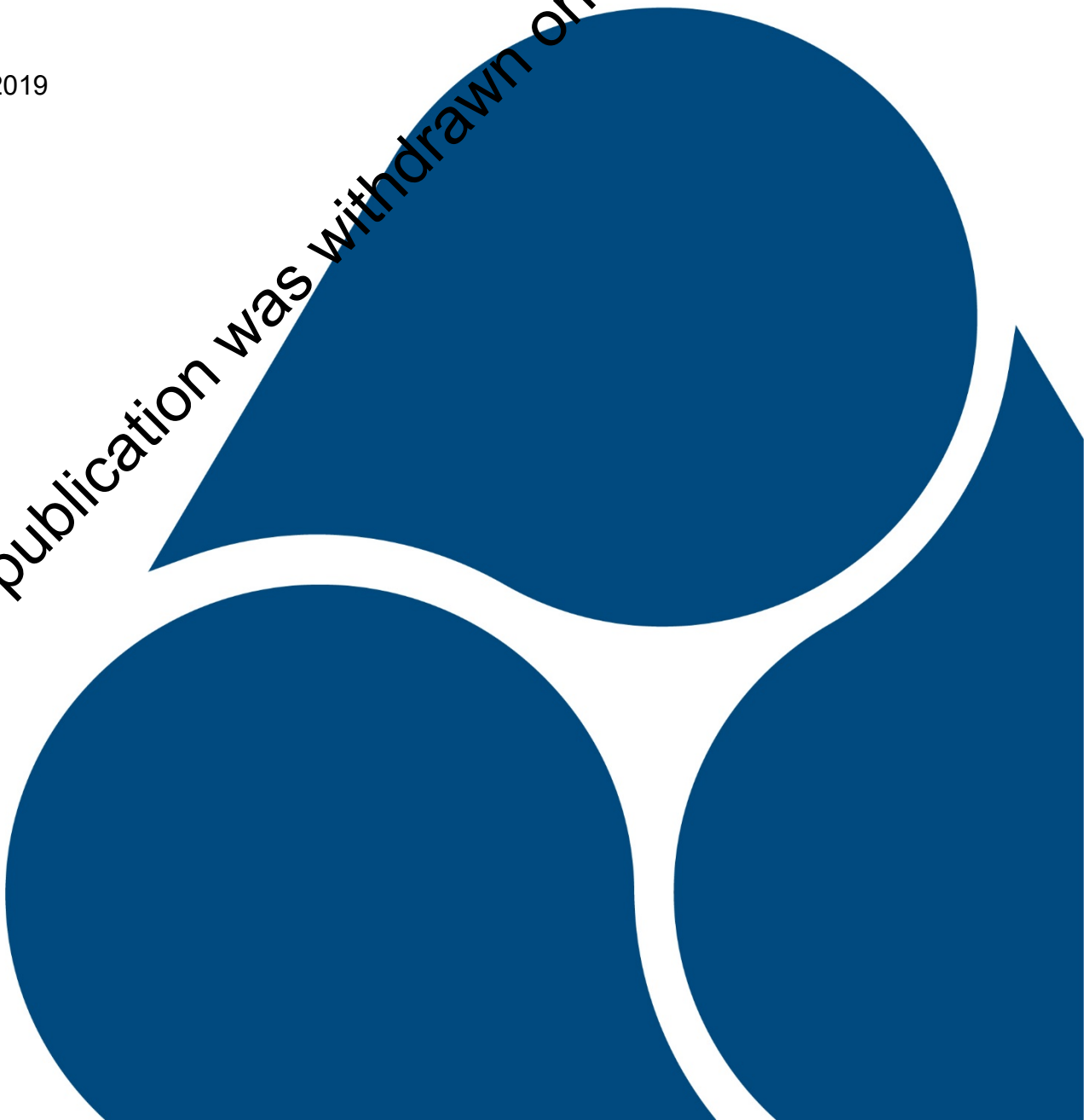

UK EU Exit Product Safety and Metrology Guidance – 'no deal' Brexit

This guidance does not apply before the UK leaves the EU and only applies if the UK leaves the EU without a deal

So, what's changing in relation to product safety and metrology?

When the UK leaves the EU, the European Union (Withdrawal) Act 2018 will come into effect, retaining EU-derived legislation, including product safety and metrology legislation, in domestic UK law.

The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, as amended by the Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019, will amend this retained legislation to address deficiencies that would arise from the UK's withdrawal from the EU under a "no deal" Brexit (such as references to EU institutions) and will make specific provision for the UK market should the UK leave the EU without a deal.

The Regulations will not otherwise introduce a new policy regime on product safety or legal metrology and the changes they will make are limited.

Here are the key things to note, with sections below on the specific product safety and metrology legislation amended by the Regulations. Click on the links below to find the legislation you are looking for.

Key facts

1. **Parliament has only altered those legal provisions in UK regulations and the EU law now incorporated into UK law that would not work effectively when the UK leaves the EU without changes.** This will create a functioning regulated UK market.
2. **The safety and other technical requirements have not changed.**
3. **Products lawfully placed on the EU market before the UK leaves the EU can continue to circulate in the UK (see paragraph A).**
4. **Lawfully CE marked products will continue to be accepted by the UK, intended to be for a time limited period (see paragraph A).**
5. **Products being placed on the UK market for the first time after the UK leaves the EU must meet the same technical requirements as before - but labelling or notification requirements may have changed (see paragraph B).**

6. **There is a new UK Conformity Assessed marking ("UKCA") which may be used for products that will be placed on the UK market where conformity assessment has been carried out by a UK approved body (formerly a notified body). This is because the EU will no longer recognise UK based Notified Bodies and so they will become UK Approved Bodies.** For products intended to be exported to the EU that require an independent third-party conformity assessment, this assessment must be carried out by an EU based Notified Body and the products must be 'CE' marked (where required) once they have been successfully assessed.
7. **Where currently allowed, UK manufacturers can continue to self-declare that products meet EU rules and place these products on either the UK or EU markets.**
8. **The UK will continue to recognise EU Notified Body conformity assessments,** for a time limited period (see paragraph C), so manufacturers and importers will still be able to place goods on the UK market lawfully bearing the CE marking where they have been assessed by an EU Notified Body (where required)**.**
9. **The UK will publish a list of references to designated standards** that will have the same function as harmonised standards and give presumption of conformity to legal requirements (see paragraph C). On Exit Day, these designated standards will be the same as the harmonised standards.
10. When the UK leaves the EU, the role and responsibilities of the manufacturer will be unchanged. However, **some UK businesses which bring products into the UK from an EEA State and who were previously "distributors" from Exit Day become "importers" acquiring new legal duties**, including complying with an enhanced set of requirements to check product compliance as well as to keep documentation and ensure their address appears on the product. There is an 18-month transitional period for these "new" importers during which they can put their details on documentation accompanying the product, rather than on the product itself. The same will apply to imports from Switzerland for certain products, for the same 18- month period. Cosmetic products that have the information of the EU responsible person on the container and packaging will be allowed on the UK market for 2 years after the UK leaves the EU, after which the container and packaging will need to bear the name and address of the UK responsible person. The EU will not have a transitional period and so UK manufacturers exporting to the EU will need immediately after exit day to have the address of the relevant EU responsible person on the goods they are exporting.

What do businesses need to do differently?

A) ***Note the main changes.*** The product safety landscape will not change significantly, and amendments are only being made to reflect the UK leaving the EU, and to create a framework for a UK market to replace that of the EU market. Products that meet EU requirements (including those that have been lawfully CE marked and / or tested by an EU recognised conformity assessment body) may continue to be placed on the UK market after the UK leaves the EU, although this is intended to be for a time limited period only. The length of this period will be determined following future consultation, and further legislation will be required to end this period.

The changes will come into force on the day the UK leaves the EU, although as explained above there are specific provisions for "new" importers importing products from EEA states or in some cases, Switzerland, post exit that allow relevant information (name and address etc) to be placed on documents accompanying the product, rather than the product itself, for a period of 18 months post exit. Cosmetic products where the container and packaging has the information of the EU responsible person (conforming to Article 19(1)(a) of the EU Cosmetics Regulation) will be allowed on the UK market for 2 years after the UK leaves the EU, after that the container and packaging will need to bear the name and address of the UK responsible person. This allows goods already moving between the UK and EU single market to complete their 'journey'.

B) ***Check whether you need to amend the label on your products.*** The UKCA (UK Conformity Assessed) marking is the new UK conformity marking, indicating compliance with the UK requirements, including (where applicable) assessment by a UK approved body. The UK conformity marking for products placed on the UK market replaces the CE marking for products being placed on the UK market, but the choice will remain initially for compliance to be with EU law and products to be CE marked accordingly. In addition to the CE marking, the UK will temporarily recognise other conformity marks such as the reversed epsilon 'Э' for aerosols and for measuring containers (for a time limited period to be determined). The UK will continue to recognise the voluntary use of the e-mark to denote compliance with the average system of quantity control for packaged goods. From Exit Day, products exported to the EU will need to have the relevant contact details of the relevant EU importer on product, where contact details of an EU based importer are required.

C) ***Check that you know how to get UK approvals for new products. UK Approved Bodies (formerly Notified Bodies) can help.*** The UK will recognise EU Notified Bodies' conformity assessments and self-declaration with the CE marking, at least for a time limited period. UK '**Approved Body**' status will apply to existing active UK Notified Bodies carrying out conformity assessments for products placed on the UK market. Existing harmonised standards will become UK '**designated standards'** and can be used to demonstrate conformity with UK essential requirements (which are in substance the same as the EU's essential requirements).

D) ***If you are bringing in goods from the EU/ EEA or Switzerland, check whether you are now the importer in the UK, as you may have more responsibilities for ensuring the product is safe and labelled correctly.*** Organisations may have to think about their roles as **manufacturer**, **importer**, and **distributor** and consider whether they have new duties. For example, before Exit Day, if a business in the UK supplied a UK retailer with a product supplied from Germany, it did so as a **'distributor'** within the EU single market when the UK was a Member State. Post EU Exit, the business will now fulfil that role as an '**importer'**. In most cases the role of importer carries greater responsibilities **including complying with an enhanced set of requirements to check product compliance as well as to monitor compliance and retain technical documentation and ensure their address appears on the product**. In the UK, there is an **18-month transitional period for these distributors** to take on **'importer'** responsibilities in relation to labelling in order to allow time for changes to be made to show the UK address (their name and address will be able to be put on accompanying documentation, rather than the product itself). Other importer responsibilities will apply immediately from exit day.

E) ***If you bring in packaged goods from the EU after the UK leaves the EU, you will become the importer and have responsibility for their quantity. Make sure you check the packages or have obtained sufficient evidence to take responsibility for the quantity and labelling of the packaged goods, including the name and address of the packer or importer (or the person who arranged packing of importing) in the UK***.

The name and address of the UK packer or importer on packaged goods will not be mandatory for 18 months from the day the UK leaves the EU provided the packages or outer containers are imported from an EEA State to the UK and they already have the specified contact information of the organisation or individual in an EEA State who packed or imported them there or arranged the packing or import of the package or outer container there.

F) ***If you manufacture, import or distribute cosmetics in the UK, you may be a "responsible person" after the UK leaves the EU which means you will have to notify the UK of certain information for any cosmetic products you place on the UK market (as well as meeting other obligations of a responsible person, such as ensuring the product is safe for human health). Start by preparing your data to upload to the new UK cosmetics database.*** For cosmetics ONLY, a Responsible Person based in the UK must be identified. There will no longer be a requirement in UK law to notify the Commission (and the EU databases) but there will be a requirement to notify the Secretary of State (and there will be a new equivalent UK database).

Check with your Trade Association, Primary Authority or Local Authority Trading Standards for more details of any specific changes that affect your business.

Individual Guides to What's Changed

The Product Safety and Metrology etc (Amendment etc) (EU Exit) Regulations 2019 amend 36 different sets of related product safety and metrology legislation. Each Schedule to the 2019 Regulations amends different legislation and these changes are explained below by Schedule. This does not include the Schedules about legislation sponsored by the Health and Safety Executive (Schedules 7, 10, 16, 18) and further detail can be found on (www.hse.gov.uk); or the Department of Justice (Northern Ireland) and Northern Ireland Office (Schedules 30-32), though the general principles set out on pages 2-5 apply to all of the Schedules.

1. **Schedule 1:** Hallmarking Act 1973
2. **Schedule 2:** Weights and Measures Act 1985
3. **Schedule 3:** Consumer Protection Act 1987
4. **Schedule 4:** Amendment of the Measuring Container Bottles (EEC Requirements) Regulations 1977
5. **Schedule 5:** Measuring Instruments (EEC Requirements) Regulations 1988
6. **Schedule 6:** Weights and Measures (Intoxicating Liquor) Order 1988
7. **Schedule 8:** Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001
8. **Schedule 9:** General Product Safety Regulations 2005
9. **Schedule 11:** Weights and Measures (Packaged Goods) Regulations 2006
10. **Schedule 12:** Supply of Machinery (Safety) Regulations 2008
11. **Schedule 13:** Aerosol Dispensers Regulations 2009
12. **Schedule 14:** Accreditation Regulations 2009
13. **Schedule 15:** The Toys (Safety) Regulations 2011
14. **Schedule 17:** Weights and Measures (Revocations) Regulations 2015
15. **Schedule 19:** Pyrotechnic Articles (Safety) Regulations 2015
16. **Schedule 20:** Electromagnetic Compatibility Regulations 2016
17. **Schedule 21:** Simple Pressure Vessels (Safety) Regulations 2016
18. **Schedule 22:** Lifts Regulations 2016
19. **Schedule 23:** Electrical Equipment (Safety) Regulations 2016
20. **Schedule 24:** Pressure Equipment (Safety) Regulations 2016
21. **Schedule 25:** Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2017
22. **Schedule 26:** Non-automatic Weighing Instruments Regulations 2016
23. **Schedule 27:** Measuring Instruments Regulations 2016
24. **Schedule 28:** Recreational Craft Regulations 2017
25. **Schedule 29:** Radio Equipment Regulations 2017
26. **Schedule 33:** Amendment of Regulation (EC) No 765/2008 on accreditation and market surveillance relating to the marketing of products
27. **Schedule 34:** Regulation (EU) 2009/1223 on the safety of cosmetic products and the Cosmetic Products Enforcement Regulations 2013
28. **Schedule 35:** Regulation (EU) 2016/425 on personal protective equipment and the Personal Protective Equipment (Enforcement) Regulations 2018
29. **Schedule 36:** Regulation (EU) 2016/426 on gas appliances and the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018

What's Changed?

1. Schedule 1: Hallmarking Act 1973

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The UK recognises as **"Approved hallmarks"** marks struck by an independent body in accordance with the law of an EU Member State which provide information equivalent to the information provided by other approved hallmarks.	After Exit Day, the UK will not recognise as **"Approved hallmarks"** marks struck by an independent body in an EEA State in accordance with the law of an EU Member State, which provide information equivalent to the information provided by other approved hallmarks, unless those marks were struck before Exit Day.
The **sponsor's mark** is a mark struck on an article which indicates the manufacturer or sponsor of the article. References to sponsor's marks in the Hallmarking Act 1973 apply to sponsor's marks struck in an EEA State.	After Exit Day, references in the Hallmarking Act 1973 to a sponsor's mark struck in an EEA state will only apply to EEA States, other than the UK, before Exit Day.

2. Schedule 2: Weights and Measures Act 1985

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
Local Weights and Measures Authorities (LWMA) are able to charge reasonable fees if, to fulfil an EU obligation, they or an inspector appointed for their area: (a) provided services or facilities; or (b) issued authorisations, certificates or other documents.	Since EU obligations will no longer apply in the UK, LWMAs will no longer be empowered to charge such fees.
Please Note: Further changes, to Part IV of the Weights & Measures Act 1985 have been made by the Food (Amendment) (EU Exit) Regulations 2019 SI 2019/529 to ensure it continues to operate effectively in relation to quantity labelling of foods after the UK left the EU.	

3. Schedule 3: Consumer Protection Act 1987

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
Legal provisions relating to the liability for **defective products** apply to any person who imports the product into an EU Member State from a place outside the EU. References to the EU include the UK.	Provisions relating to the liability for **defective products** will apply to a person who imports the product into the UK from any country outside the UK.
In any civil proceedings relating to **a defect in a product**, showing that the defect is attributable to compliance with any requirement imposed by an EU obligation serves as a defence.	In any civil proceedings relating to a **defect in a product**, showing that the defect is attributable to compliance with any requirement imposed by an EU obligation will only serve as a defence where that obligation has been retained post Exit Day.
The Act enables the Government **to modify** Part 1 of the Act (relating to product liability) to reflect changes to the Product Liability Directive.	The power enabling the Government to modify Part 1 of the Act (relating to product liability) to reflect changes to **the Product Liability Directive will be repealed.**

4. Schedule 4: Amendment of the Measuring Container Bottles (EEC Requirements) Regulations 1977

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
Measuring container bottles must be marked with the **EEC conformity mark** – the reverse epsilon 'Ɜ' - ensuring businesses in the EU market could use these bottles as accurate measures. References to the EU include the UK.	Measuring Container Bottles must still have a **conformity mark**. The UK will introduce the UKCA mark to replace the reverse epsilon 'Ɜ'. Further information on the UKCA mark will be available on gov.uk here. The UK will recognise the reverse epsilon 'Ɜ' for measuring containers for a time limited period. This means manufacturers must still use it until they change to the UKCA mark. There will be further advice when the period that the reverse epsilon 'Ɜ' can be used is ending. The technical detail contained in the annex to the EU Directive will be brought into UK national law.

5. Schedule 5: Measuring Instruments (EEC Requirements) Regulations 1988

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
One of the conditions for EEC pattern approval that can apply is to require a **place of installation notice** to be given to the competent authorities of Member States in which measuring instruments of the pattern in question were to be installed (e.g. the Secretary of State in the UK).	The legislation will be amended to make it clear that place of installation notices for installations in the UK should still be sent to the (UK) Secretary of State.

6. Schedule 6: Weights and Measures (Intoxicating Liquor) Order 1988

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
Wines and spirits intended for sale in the EU can be pre-packed only in **specified quantities** (subject to limited exceptions). This requirement does not apply to intoxicating liquors sold duty-free for consumption outside the EU.	The requirement to use specified quantities for pre-packed wines and spirits will not apply to pre-packed intoxicating liquors sold duty-free for consumption outside the UK.

7. Schedule 8: Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
Equipment for use outdoors has to be marked with the **CE Marking** before the responsible person can place it on the EU market (which included the UK), to demonstrate it meets all legal requirements, including that it has been subject to the relevant conformity assessment and meets requirements as to the permissible sound power level and marking of the guaranteed sound power level. It has to be accompanied by an EC declaration of conformity, setting out the relevant community harmonisation legislation with which the manufacturer or authorised representative declares the equipment is in conformity.	To place equipment on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the equipment is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is **prepared in or translated into English**.
Certain duties in relation to placing equipment on the market apply to a responsible person, which was defined as the manufacturer, their authorised representative established in the EU, or, where neither the manufacturer nor the authorised representative are established in the EU, the person placing the equipment on the market or putting in into service in the EU. Requirements relating to conformity assessment procedures apply to the manufacturer or their authorised representative established in the EU.	A responsible person will be the manufacturer, their authorised representative established in the UK (or, pre-Exit, in an EEA state), or, where neither of these is established in the UK, the person placing the equipment on the market or putting it into service in the UK. Requirements relating to conformity assessment procedures will apply to the manufacturer or their authorised representative established in the UK.
Conformity assessment of a product has to be carried out by an EU recognised notified body. (where applicable). The **notified body** is a conformity assessment body appointed by the Secretary of State, or a notified body appointed and notified to the Commission and other EU Member States by another EU Member State.	Any existing active UK Notified Bodies will be mandated as UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market for the product areas for which they are approved. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.

8. Schedule 9: General Product Safety Regulations 2005

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
Presumption of conformity to the general safety requirement is granted where a product conformed to a voluntary national standard of the UK which gives effect to a European Standard published in the Official Journal of the EU.	**Presumption of conformity to the general safety requirement** will be granted where a product conforms to a voluntary national standard of the UK which the Department for Business, Energy and Industrial Strategy (BEIS) Secretary of State: (a) considers appropriate; and (b) publishes its reference.
Where no presumption of conformity arises, one of the ways in which conformity of a product to the general safety requirement can be assessed is through taking into account **recommendations of the European Commission** setting guidelines on product safety assessment.	**Recommendations of the (BEIS) Secretary of State**, rather than the European Commission, will now be taken into account.
Where a producer or distributor supplies a product that poses risks to the consumer incompatible with the general safety requirement, there is a **requirement to notify the enforcement authority** in writing. This includes naming each Member State where the product has been supplied to consumers outside the UK.	The requirement to notify the enforcement authority in writing **no longer will include a requirement to name EU Member States** where the product is supplied to consumers outside the UK.
An enforcement authority receiving a notification of risk is required to notify the BEIS Secretary of State, who is required to notify the competent authorities of Member States where the product had been marketed. The BEIS Secretary of State is also required to notify the European Commission, through the **EU Rapid Exchange (RapEx) database** if the risk is serious.	There will be a requirement for the **BEIS Secretary of State to establish and operate a database** with information on market surveillance and product safety. An enforcement authority receiving a notification of risk will be required to notify the BEIS Secretary of State through that database. The BEIS Secretary of State will no longer be required to make notifications to the Commission.

9. Schedule 11: Weights and Measures (Packaged Goods) Regulations 2006

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
Packages or outer containers arriving from the EEA that are marked with the e-mark do **not** have to be **marked with the name and address of a packer or importer in the UK (but had to be marked with the packer or importer in the EEA)**. References to the EU and the EEA include the UK.	Packages or outer containers arriving from the EU must be marked with the name and address **of the packer or importer in the UK** unless the package is imported from an EEA State within **18 months** from Exit Day and is marked with the name and address of the packer or importer in that country. From 18 months after exit, the UK packer/importer's name and address must be marked on the packages.
Packers and importers of e-marked packages intended for export are required to give notice to their Local Weights and Measures Authority of their activities.	It will no longer be a requirement to notify the Local Weights and Measure Authority where **e-marking packages** for export and therefore failing to do so will no longer be an offence.

10. Schedule 12: Supply of Machinery (Safety) Regulations 2008

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
Machinery has to be marked by the manufacturer or their authorised representative (the "responsible person") with the **CE Marking** to show it has been conformity assessed and meets the essential requirements to be placed in the market. Responsible persons have to draw up an **EC declaration of conformity**, setting out the relevant provisions of the Directive or other Directives with which the responsible person declares the machinery is in conformity (amongst other things)	To place machinery on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the machinery is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that this and the technical documentation is **prepared in or translated into English**.
An **Authorised Representative** can be established in any of the EEA states. References to the EU and the EEA include the UK.	**Authorised Representatives** appointed pre-exit based in the EEA may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.
Conformity assessment of a product has to be carried out by an EU recognised notified body (where applicable). The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EU Member State.	UK Notified Bodies will become **UK Approved Bodies**. They will be able to carry out conformity assessments for which they have been approved for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.

It is possible, when placing machinery on the market, to comply with published **harmonised standards** in order to benefit from a presumption of conformity with applicable essential health and safety requirements covered by that standard	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.

11. Schedule 13: Aerosol Dispensers Regulations 2009

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The 'compliance mark" means only the symbol '3' (reversed epsilon).	The **UKCA marking** will be the new compliance mark. There will be **dual recognition of the reversed epsilon ("3"),** intended for a time-limited period. The switch to the UKCA marking will initially be voluntary but is intended to become compulsory in due course. This marking will only apply to products to be placed on the UK market and will be optional until the UK stops recognising the CE marking at which point the only recognised compliance mark will be the UK marking.
To be able to be marked with the compliance mark (reversed epsilon) it is possible for the aerosol dispenser to have been subject to certain alternative test methods that the Secretary of State has not specifically approved.	To be able to be marked with the UK marking, it will be possible to test aerosol dispensers using alternative test methods but these must be approved by the Secretary of State. Aerosol dispensers marked with the UKCA marking will only be able to be placed on the UK market. To be marked with the reversed epsilon aerosol dispensers will only be able to be subject to alternative test methods that are approved by a competent authority as defined in the Directive.

12. Schedule 14: Accreditation Regulations 2009

This guidance only applies in the event of a 'no deal' Brexit

United Kingdom Accreditation Service (UKAS) *will continue as the UK national accreditation body and the changes reflect alignment of the regulations to the exit of the UK from the EU.*

13. Schedule 15: Toys (Safety) Regulations 2011

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EU Market** Similarly, "making available" refers to supply on the **EU market**. References to the EU include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Toys cannot be placed on the market unless they have been marked by the manufacturer (or where mandated, their authorised representative) with the **CE Marking** to show they have been conformity assessed and meet the essential safety requirements. Manufacturers have to draw up an **EC declaration of conformity**, setting out the relevant Community harmonisation legislation with which the manufacturer declares the toy in conformity (amongst other things).	To place toys on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the toy is compliant. Where the manufacturer follows the EU route, they must draw up an EU declaration of conformity and make sure that that and the technical documentation is prepared in or translated into English.
An **Authorised Representative** can be established in any of the EU member states.	**Authorised Representatives** appointed pre-exit and based in the EEA may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.
Conformity assessment of a product has to be carried out by an EU recognised notified body (where applicable). The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EU Member State.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.

Toys to be placed on the market can comply with **harmonised standards** in order to benefit from a presumption of conformity with the essential safety requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EU who places a toy from a third country on the EU market. They need to ensure that the following **identification information** is marked on the toy: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on the toy's packaging or on a document accompanying the toy where: (i) the size or nature of the toy precludes the information from being marked on the toy; or (ii) the importer would have to open the toy's packaging in order to mark the information on the toy.	An importer will be someone based in the UK who places a toy from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark **identification information** on the toy itself: if the importer imports the toy from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) on the toy's packaging or in a document accompanying the toy.

14. Schedule 17: Weights and Measures (Revocations) Regulations 2015

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
EEC verification of weights is required in UK in order to conform with regulations and directives on alcoholometers and alcohol Hydrometers, medium bar weights and cylindrical weights, above-medium accuracy weights, instruments measuring the standard mass per storage volume of grain, cold-water meters, tyre pressure gauges for motor vehicles, and material measures of length (together, the "**Relevant Measuring Instruments Legislation**").	EEC initial verification carried out in accordance with the Relevant Measuring Instruments legislation will no longer be required except to comply with applications made before Exit Day.

15. Schedule 19: Pyrotechnic Articles (Safety) Regulations 2015

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EU Market**. Similarly, "making available" refers to supply on the **EU market**. References to the EU include the UK.	Term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Pyrotechnic articles have to be marked by the manufacturer with the **CE Marking** before being placed on the EU market, to demonstrate they meet all the legal requirements, including that they have been subject to the relevant conformity assessment and meet the essential safety requirement. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	To place articles on the UK market, manufacturers must meet the legal requirements, including subjecting the articles to a conformity assessment. In the absence of a UK approved body, this assessment should be carried out by an EU recognised notified body. Once the articles have been assessed as meeting the essential safety requirements, manufacturers should affix the **CE marking** and draw up an EU declaration of conformity and make sure that that and the technical documentation is prepared in or translated into English. Should at a future date, a UK approved body is created, manufacturers would need to have the conformity assessment carried out by that body, and once the articles have been assessed as meeting the essential safety requirements, the UKCA marking should be affixed, and a declaration of conformity drawn up, setting out the (UK) enactments with which the articles are compliant
Conformity assessment of a product has to be carried out by an EU recognised **notified body.** There are no notified bodies for pyrotechnic articles in the UK, so conformity assessment has to be carried out by a notified body from another Member State.	In the continued absence of any UK conformity assessment bodies for pyrotechnic articles, conformity assessment must still be carried out by notified bodies in the EU.
Pyrotechnic articles to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential safety requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.

An importer is a person established in the EU who places a pyrotechnic article from a third country on the EU market. They need to ensure that the following **identification information** is marked on the article: (a) the importer’s name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on the packaging or in a document accompanying the article where it is not possible to put it on the article itself.	An importer will be someone based in the UK who places a pyrotechnic article from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the article itself: if the importer imports the article from an EEA state and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) on the packaging or in a document accompanying the article.

16. Schedule 20: Electromagnetic Compatibility Regulations 2016

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market** References to the EU and the EEA include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Apparatus has to be marked by the manufacturer (or where mandated, their authorised representative) with the **CE Marking** before being placed on the market, to demonstrate it meets all the legal requirements, including that it has been subject to the relevant conformity assessment and meets the essential requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	To place apparatus on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the apparatus is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is **prepared in or translated into English.**
An **Authorised Representative** can be established in any EEA state.	**Authorised Representatives** appointed pre-exit, and based in the EEA or Switzerland, may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.
Conformity assessment of a product has to be carried out by an EU recognised notified body (where required). The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.

Apparatus to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places apparatus from a third country on the EEA market. They need to ensure that the following identification information is marked on the apparatus: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on the packaging or in a document accompanying the apparatus where it is not possible to put it on the apparatus itself.	An importer will be someone based in the UK who places apparatus from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the apparatus itself: if the importer imports the apparatus from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) on the packaging of the apparatus or in a document accompanying the apparatus.

17. Schedule 21: Simple Pressure Vessels (Safety) Regulations 2016

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market** References to the EU and the EEA include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Vessels have to be marked by the manufacturer (or where mandated, their authorised representative) with the **CE Marking** before being placed on the EEA market, to demonstrate they meet all the legal requirements, including that they have been subject to the relevant conformity assessment and meet the essential safety requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	To place vessels on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the vessel is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is **prepared in or translated into English**.
An **Authorised Representative** can be established in any EEA state.	**Authorised Representatives** appointed pre-exit and based in the EEA or Switzerland may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.

Conformity assessment of a product has to be carried out by an EU recognised notified body (where applicable). The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.
Vessels to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential safety requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places a vessel from a third country on the EEA market. They need to ensure that the following **identification information** is marked on the vessel: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on a document accompanying the vessel where it is not possible to put it on the vessel itself.	An importer will be someone based in the UK who places a vessel from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark **identification information** on the vessel itself: if the importer imports the vessel from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) in a document accompanying the vessel.

18. Schedule 22: Lifts Regulations 2016

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market** References to the EU and the EEA include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Lifts have to be marked with the **CE Marking** by the installer (and safety components for lifts by the manufacturer) before being placed on the EEA market, to demonstrate they meet all the legal requirements, including that they have been subject to the relevant conformity assessment and meet the essential health and safety requirements. Installers and manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the they declare the product in conformity (amongst other things).	To place lifts and/or safety components on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the installer or manufacturer follows the UK route and affixes a UK marking, the installer or manufacturer must draw up a Declaration of Conformity setting out the (UK) enactments with which the lift or component is compliant. Where the installer or manufacturer follows the EU route, they must draw up an EU declaration of conformity and make sure that that and the technical documentation is prepared in or translated into English.
An Authorised Representative can be established in any of the EEA states.	**Authorised Representatives** appointed pre-exit and based in the EEA or Switzerland may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.
Conformity assessment of a product has to be carried out by an EU recognised notified body. The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become **UK Approved Bodies**. They will be able to carry out conformity assessments for lifts and safety components for lifts to be placed on the UK market. They will not be able to carry out conformity assessments for these products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.

Lifts, or safety components of lifts, to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential health and safety requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places a safety component from a third country on the EEA market. They need to ensure that the following identification information is marked on the safety component: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on the packaging or in a document accompanying the safety component where it is not possible to put it on the component itself.	An importer will be someone based in the UK who places a safety component from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the safety component itself: if the importer imports the component from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) on the packaging or in a document accompanying the component.

19. Schedule 23: Electrical Equipment (Safety) Regulations 2016

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK.	Term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Electrical equipment has to be marked by the manufacturer (or where mandated, their authorised representative) with the **CE Marking** before being placed on the EEA market to demonstrate it meets all the legal requirements, including that it has been subject to the relevant conformity assessment and meets the principal elements of the safety objectives. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	The **UKCA marking** will provide an alternative to the CE Marking for equipment placed on the UK market. The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the equipment is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is **prepared in or translated into English**.
An **Authorised Representative** can be established in any EEA state.	**Authorised Representatives** appointed pre-exit and based in the EEA or Switzerland may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.
Equipment to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the principal elements of the safety objectives.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.

An importer is a person established in the EEA who places equipment from a third country on the EEA market. They need to ensure that the following identification information is marked on the equipment: (a) the importer’s name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on a document accompanying the equipment where it is not possible to put it on the equipment itself.	An importer will be someone based in the UK who places equipment from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the equipment itself: if the importer imports the equipment from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) in a document accompanying the equipment.

20. Schedule 24: Pressure Equipment (Safety) Regulations 2016

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Pressure equipment and assemblies have to be marked by the manufacturer (or where mandated, their authorised representative) with the **CE Marking** before being placed on the EEA market, to demonstrate they meet all the legal requirements, including that they have been subject to the relevant conformity assessment and meet the essential safety requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things)	To place equipment and assemblies on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the equipment or assembly is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is **prepared in or translated into English**.
An **Authorised Representative** can be established in any EEA state**.**	**Authorised Representatives** appointed pre-exit and based in the EEA or Switzerland may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.

Conformity assessment of a product, a system or a process has to be carried out by an EU recognised notified body, recognised third party organisation or user inspectorate (where applicable). These bodies are conformity assessment bodies notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities. UK recognised third party organisations and user inspectorates will be able to carry activities for which they have been approved.
Equipment to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential safety requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places pressure equipment or an assembly from a third country on the EEA market. They need to ensure that the following identification information is marked on the equipment or assembly: (a) the importer's name, registered trade name or registered trade mark, and (b) the address at which the importer can be contacted. The information can instead be marked on the packaging or in a document accompanying the equipment or assembly where it is not possible to put it on the pressure equipment itself.	An importer will be someone based in the UK who places pressure equipment or assembly from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the equipment or assembly itself: if the importer imports the equipment from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) on the packaging of the pressure equipment or assembly or in a document accompanying the equipment.

21. Schedule 25: Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2017

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK.	The term 'placing on the market' `will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
A product (other than a component for which an attestation is required) has to be marked by the manufacturer (or where mandated, their authorised representative) with the **CE Marking** before being placed on the market, to demonstrate it meets all the legal requirements, including that it has been subject to the relevant conformity assessment and meets the essential health and safety requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	To place products on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the product is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation **is prepared in or translated into English.** **UKCA marking is to be** affixed only by the manufacturer or their authorised representative.
An **Authorised Representative** can be established in any EEA state.	**Authorised Representatives** appointed pre-exit and based in the EEA or Switzerland may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.

Conformity assessment of a product has to be carried out by an EU recognised notified body (where applicable). The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.
Equipment to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential health and safety requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places a product from a third country on the EEA market. They need to ensure that the following identification information is marked on the product: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on the packaging or in a document accompanying the product where it is not possible to do it on the product itself.	An importer will be someone based in the UK who places a product from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the product itself: if the importer imports the product from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) on the packaging or in a document accompanying the product.

22. Schedule 26: Non-automatic Weighing Instruments Regulations 2016

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Non-automatic weighing instruments have to be marked by the manufacturer (or where mandated their authorised representative) with the **CE Marking** and **M Marking** before being placed on the market, to demonstrate they meet all the legal requirements, including that they have been subject to the relevant conformity assessment and met the essential requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	To place instruments on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. The **M Marking** will still be required when either the **UKCA** or the **CE Marking** is used. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the instrument is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is prepared in or translated into English.
An **Authorised Representative** can be established in any of the EEA states.	**Authorised Representatives** appointed pre-exit, and based in the EEA or Switzerland, may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK be established in the UK.

Conformity assessment of a product has to be carried out by an EU recognised notified body (where applicable). The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become **UK Approved Bodies**. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.
Instruments to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places a non-automatic weighing instrument from a third country on the EEA market. They need to ensure that the following identification information is marked on the instrument: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. Where this would require the packaging to be opened, the information can instead be marked on the packaging and on any document accompanying the instrument.	An importer will be someone based in the UK who places a non-automatic weighing instruments from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the instrument itself: if the importer imports the instrument from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) in a document accompanying the instrument.

23. Schedule 27: Measuring Instruments Regulations 2016

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Measuring instruments have to be marked by the manufacturer or (where mandated, their authorised representative) with the **CE Marking and M Marking** before being placed on the market, to demonstrate they meet all the legal requirements, including that they have been subject to the relevant conformity assessment and meet the essential requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	To place instruments on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. The **M Marking** will still be required when either the UKCA or the CE marking is used. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the instrument is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is prepared in or translated into English.
An **Authorised Representative** can be established in any of the EEA states.	**Authorised Representatives** appointed pre-exit, and based in the EEA ot Switzerland, may continue to be authorized representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.

Conformity assessment of a product has to be carried out by an EU recognised **notified body** (where applicable). The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become **UK Approved Bodies**. They will be able to carry out conformity assessments for measuring instruments to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.
Measuring instruments to be placed on the market can choose to comply with published harmonised **EU standards** or with parts of published **normative documents** in order to benefit from a presumption of conformity with the essential requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them. Normative documents will be now be published by the BEIS Secretary of State.
An importer is a person established in the EEA who places a measuring instrument from a third country on the EEA market. They need to ensure that the following identification information is marked on the instrument: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on the packaging and in any documents accompanying the measuring instrument where it is not possible to put it on the measuring instrument itself.	An importer will be someone based in the UK who places a non-automatic weighing instruments from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the instrument itself: if the importer imports the measuring instrument from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) in a document accompanying the measuring instrument.

24. Schedule 28: Recreational Craft Regulations 2017

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
A product has to be marked by the manufacturer (or where mandated, their authorised representative) with the **CE Marking** before being placed on the EU market, to demonstrate it meets all the legal requirements, including that it has been subject to the relevant conformity assessment and met the essential requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things). Manufacturers that require a manufacturer's code (MIC) in relation to watercraft identification as set out in Schedule 1, 2.1 (3) must obtain one from the UK Body who are authorised to issue MICs on behalf of the Secretary of State.	To place products on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the product is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is prepared in or translated into English. Manufacturers that require a manufacturer's code (MIC) in relation to watercraft identification as set out in Schedule 1, 2.1 (3) must obtain one from the UK Body who are authorised to issue MICs on behalf of the Secretary of State. MICs issued by the UK body pre-exit will be accepted for the purpose of post-exit requirements
An Authorised Representative can be established in any of the EEA states.	**Authorised Representatives** appointed pre-exit and based in the EEA may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.

Conformity assessment of a product has to be carried out by an EU recognised notified body (where applicable) The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.
Products to be placed on the market can comply with **harmonised standards** in order to benefit from a presumption of conformity with the essential requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places a product from a third country on the EEA market. They need to ensure that the following identification information is marked on the product: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. For components, the information can instead be marked on the packaging or in a document accompanying the component where it is not possible to put it on the component itself.	An importer will be someone based in the UK who places a product from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the product itself: if the importer imports the product from an EEA state and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) in a document accompanying the product (or, in the case of a component, on the packaging).

25. Schedule 29: Radio Equipment Regulations 2017

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Radio equipment has to be marked by the manufacturer (or, where mandated, their authorised representative) with the **CE Marking** before being placed on the market, to demonstrate it meets all the legal requirements, including that it has been subject to the relevant conformity assessment and meets the essential requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	To place equipment on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the equipment is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is prepared in or translated into English.
An **Authorised Representative** can be established in any EEA state.	**Authorised Representatives** appointed pre-exit and based in the EEA or Switzerland, may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.
Conformity assessment of a product has to be carried out by an EU recognised notified body (where applicable). The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.

Equipment to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places equipment from a third country on the EEA market. They need to ensure that the following identification information is marked on the equipment: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on the packaging or in a document accompanying the equipment where it is not possible to put it on the equipment itself.	An importer will be someone based in the UK who places equipment from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the equipment itself: if the importer imports the equipment from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) on the packaging or in a document accompanying the equipment.

26. Schedule 33: Amendment of Regulation (EC) No 765/2008

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The Regulation provides a framework for border control of products entering the EU from third countries and market surveillance within the EU and lays down the general principals of the **CE marking** which indicates conformity with the requirements of the legislation.	The Regulation will provide a framework for controls on products imported into United Kingdom from any other country, for market surveillance within UK, and will provide the requirements as to the form of a **UKCA marking** which indicates conformity with relevant legislation.
It sets out duties for Member States to appoint a national accreditation body and rules on the national accreditation bodies.	A single UK national accreditation body (UKAS) will be retained.
The term 'placing on the market' means the first making available of a product on the **Community Market** (which included the UK)**.**	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.**
CE marking is affixed only by the manufacturer or their authorised representative to show conformity of goods with requirements set out in applicable harmonised EU legislation. Responsibility for ensuring compliance fell to Market Surveillance authorities.	The BEIS Secretary of State has prescribed the form and usage of the **UK marking**. This is to show conformity with requirements of domestic law, which are currently the same in substance. Market surveillance authorities remain responsible for ensuring compliance.
Conformity assessment of a product has to be carried out by an EU recognised notified body (where applicable). The **notified body** is a conformity assessment body notified by the Secretary of State to the European Commission and to the other Member States, or a notified body under the laws of another EEA State.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.
Members States are to ensure that products presenting a serious risk are recalled, withdrawn or prohibited from being on the market and are to **inform the Commission without delay. EU RapEx database available to Member States. Market Surveillance cooperation between member states.**	The obligation to ensure that products presenting a series risk are recalled, withdrawn or prohibited on the market will rest with **Market Surveillance** authorities who must inform the BEIS Secretary of State without delay. RapEx database will no longer be available to UK; UK product safety database will replace it.

27. Schedule 34: Regulation (EU) 1223/2009 and the Cosmetic Products Enforcement Regulations 2013

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK.	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Only cosmetic products with a **designated 'responsible person'** within the EU can be placed on the market, with product labelling to identify this person.	**There must be a Responsible Person based in the UK** under the new regime. There will be a **2-year transition period** before businesses have to include the UK Responsible Person details on product labels, as long as the EU responsible person details are included. This will allow existing stocks to be used and reflects the typical shelf life of a cosmetic and business' labelling cycles. Other obligations of the Responsible Person will remain the same as they were previously – they must keep the Product Information File (PIF) and make it available to market surveillance and enforcement authorities when asked to do so.
Responsible persons need to notify their products once – via the **EU Cosmetic Products Notification Portal (CPNP)** – prior to placing their products on the market in the EEA.	**The UK Government has established a cosmetic product notification service** to replace the CPNP in the UK – if Responsible Persons continue to place their products on the UK market they will need to notify their products to the Secretary of State (via this service). For products already on the EEA market, and notified to the Commission (through the CPNP): if a UK Responsible Person places the product on the market within 90 days of exit, they will need to provide to the Secretary of State within 90 days of Exit details of: • *the category of cosmetic product and its name or names, enabling its specific identification;* • *the name of the responsible person;* • *the address at which the product information file (PIF) in respect of the cosmetic product is kept;* • *the contact details of a natural person to contact in the case of urgency;* • *the frame formulation allowing for prompt and appropriate medical treatment in the event of difficulties.*

	This information should be provided through the notification service referred to above. For products that have not previously been notified to the Commission or have not been placed on the EEA market, or are placed on the UK market after 90 days after exit, you will need to provide the information above **and** the following information **before** you place the product on the UK market: • *(where applicable) the presence of substances in the form of nanomaterials and the identification (including the chemical name) and the reasonably foreseeable exposure conditions;* • *the name and the Chemicals Abstracts Service (CAS) or EC number of substances classified as carcinogenic, mutagenic or toxic for reproduction (CMR) for category 1A or 1B under Regulation (EC) No 1272/2008;* • *the original labelling and, where reasonably legible, a photograph of the corresponding packaging.* Again this information should be provided using the UK's notification service. Information is to be made available to poison centres and market surveillance authorities on the same basis as prior to exit.
A responsible person has an obligation to notify **serious undesirable effects** to **national authorities**, who then transmits the information to the competent authorities of other member States**.** The authorities also collect information from users, health professionals and others.	Serious Undesirable Effects (SUE) should be notified on the new UK SUE form – information on any SUE should be notified in the same way as previously and will be gathered from the same sources as previously.
The responsibility for evaluating the safety of certain substances for use in cosmetic products lies with a **European Commission body, the Scientific Committee on Consumer Safety (SCCS).**	The **Secretary of State** will be responsible for making changes to the Regulation, and will draw on expert advice to do so.
Products with nanomaterials need to be **notified to the European Commission six months before being placed on the market**, so that the SCCS could assess their safety.	Where the inclusion in a cosmetic product of relevant nanomaterials has not been notified to the Commission prior to exit day, a cosmetic product containing nanomaterials must be notified to the Secretary of State by the responsible person at least 6 months prior to it being placed on the UK market. The following information must be notified (this is the same information that must be currently notified to the Commission): • *identification of the nanomaterial, including its chemical name (IUPAC);* • *specification of the nanomaterial including size of particles and chemical properties;*

	• *an estimate of the quantity of the nanomaterials;* • *(where no reference is available) the toxicological profile;* • *safety data of the nanomaterial;* • *reasonably foreseeable exposure conditions.* Where a notification of products with nanomaterials has been made to the European Commission in the six-month run up to Day 1 after Exit, the Responsible Person must provide the Secretary of State with information about the nanomaterials within 90 days of exit and the Secretary of State has one extra month to determine whether there is sufficient scientific evidence of risks to human health from these substances and therefore whether any amendment should be made to the Annexes to the Regulation to make the substances prohibited or restricted substances. Therefore it may take a total of seven months from the time of notifying the Commission for the product to be accepted onto the UK market. Where a product containing nanomaterials has already been placed on the EEA market and the EU Responsible Person has complied with the notification requirements under EU law, if a UK Responsible Person is to place the product on the UK market within 90 days of exit, they must provide the information on nanomaterials within 90 days of exit as part of their notification of the product on the UK registration service.
Businesses who move goods into the UK from an EU Member State are classified as **'distributors'** in most cases.	Businesses who bring cosmetic products into the UK from an EU Member State will, in most cases, become **'importers'** where they would previously have been 'distributors'. The importer of a cosmetic product, whether from the EU or another country, becomes a Responsible Person by default, although they may appoint an agent to act as the Responsible Person for them.
The **European Commission** has an obligation to publish a glossary of common ingredient names that businesses must use. This is publicly available online list based on internationally agreed terms.	Duty lies with the **BEIS Secretary of State** to publish a reference to a glossary of common ingredient names.

28. Schedule 35: Regulation (EU) 2016/425 and the Personal Protective Equipment (Enforcement) Regulations 2018

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
Personal protective equipment (PPE) has to be marked by the manufacturer (or where mandated, their authorised representative) with the **CE Marking** before being placed on the EU market, to demonstrate it meets all the legal requirements, including that it has been subject to the relevant conformity assessment and meets the essential health and safety requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	To place PPE on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the PPE is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is prepared in or translated into English.
An **Authorised Representative** can be established in any EEA state.	**Authorised Representatives** appointed pre-exit and based in the EEA or Switzerland, may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.
Conformity assessment of a product has to be carried out by an EU recognised notified body. The **notified body** is a conformity assessment body notified by a Member State (including the UK) to the European Commission and to the other Member States.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.

PPE to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential health and safety requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places PPE from a third country on the EEA market. They need to ensure that the following identification information is marked on the PPE: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on the packaging or in a document accompanying the PPE where it is not possible to put it on the PPE itself.	An importer will be someone based in the UK who places PPE from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the PPE itself: if the importer imports the PPE from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) on the packaging or in a document accompanying the PPE.

29. Schedule 36: Regulation (EU) 2016/426 and the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018

This guidance only applies in the event of a 'no deal' Brexit

Before the UK leaves the EU	After the UK leaves the EU
The term 'placing on the market' means the first making available of a product on the **EEA Market.** Similarly, "making available" refers to supply on the **EEA market.** References to the EU and the EEA include the UK	The term 'placing on the market' will mean the first making available of a product on the **United Kingdom Market.** **"Making available"** will refer to supply on the **UK market.**
An appliance or fitting has to be marked by the manufacturer (or where mandated, their authorised representative) with the **CE Marking** before being placed on the market, to demonstrate it meets all the legal requirements, including that it has been subject to the relevant conformity assessment and meetx the essential requirements. Manufacturers have to draw up an **EU declaration of conformity**, setting out the relevant Union harmonisation legislation with which the manufacturer declares the product in conformity (amongst other things).	To place appliances or fittings on the UK market, manufacturers must meet the requirements of the UK legislation. This means that manufacturers can self-declare, where allowed, or have a conformity assessment by a UK approved body and affix the **UKCA marking**, where required, or, follow the EU requirements including using an EU recognised notified body and affix the CE marking (where required). The choice to use the UK conformity mark will be at the manufacturer's discretion but the intention is that the UKCA marking will become compulsory in due course once the UK stops recognising the CE marking. Where the manufacturer follows the **UK route** and affixes a UK marking, the manufacturer must draw up a **Declaration of Conformity** setting out the (UK) enactments with which the appliance or fitting is compliant. Where the manufacturer follows the **EU route**, they must draw up an **EU declaration of conformity** and make sure that that and the technical documentation is prepared in or translated into English.
An **Authorised Representative** can be established in any EEA state.	**Authorised Representatives** appointed pre-exit and based in the EEA or Switzerland may continue to be authorised representatives. **Authorised Representatives** appointed post-Exit to act in the UK must be established in the UK.

Conformity assessment of a product has to be carried out by an EU recognised notified body. The **notified body** is a conformity assessment body notified by a Member State (including the UK) to the European Commission and to the other Member States.	UK Notified Bodies will become UK Approved Bodies. They will be able to carry out conformity assessments for products to be placed on the UK market. They will not be able to carry out conformity assessments for products to be placed on the EU market. The Department of Business, Energy and Industrial Strategy (BEIS) Secretary of State has compiled a register of Approved Bodies, with their approved body identification numbers, the activities for which they have been approved and any restrictions on those activities.
Appliances to be placed on the market can comply with published **harmonised standards** in order to benefit from a presumption of conformity with the essential requirements.	'UK **'designated standards**' will replace 'harmonised standards'. Designated standards are standards which have been (i) adopted by any of the following recognised standardisation bodies: the European Committee for Standardisation (CEN); the European Committee for Electrotechnical Standardisation (Cenelec); the European Telecommunications Standards Institute (ETSI); the British Standards Institution (BSI); and (ii) designated by the BEIS Secretary of State publishing a reference to them.
An importer is a person established in the EEA who places an appliance or fitting from a third country on the EEA market. They need to ensure that the following identification information is marked on the appliance or fitting: (a) the importer's name, registered trade name or registered trade mark; and (b) the address at which the importer can be contacted. The information can instead be marked on the packaging or in a document accompanying the appliance or fitting where it is not possible to put it on the appliance or fitting itself.	An importer will be someone based in the UK who places an appliance or fitting from a third country on the UK market. A third country will now include an EEA state. There will be an additional circumstance under which an importer does not need to mark identification information on the appliance or fitting itself: if the importer imports the appliance or fitting from an EEA state or Switzerland and places it on the market within the period of 18 months beginning with exit day, the importer will be able to set out the identification information (name, address etc) on the packaging or in a document accompanying the appliance or fitting.

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