

*Draft Regulations laid before Parliament under paragraph 5(1) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2024 No.**

**RETAINED EU LAW REFORM**

**CONSUMER PROTECTION**

**ELECTROMAGNETIC COMPATIBILITY**

**HEALTH AND SAFETY**

**TELECOMMUNICATIONS**

**WEIGHTS AND MEASURES**

**ENERGY CONSERVATION**

**ENVIRONMENTAL PROTECTION**

The Product Safety and Metrology etc. (Amendment) Regulations  
2024

*Made* - - - -

*Coming into force* - -

*1st October 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 14(1), (2) and (3) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023<sup>(a)</sup> (“the 2023 Act”).

The Secretary of State is a relevant national authority for the purposes of section 14(1), (2) and (3) of the 2023 Act<sup>(b)</sup>.

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<sup>(a)</sup> 2023 c. 28.

<sup>(b)</sup> The term “relevant national authority” is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

In accordance with paragraph 5(1) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Product Safety and Metrology etc. (Amendment) Regulations 2024.

(2) These Regulations come into force on 1st October 2024.

(3) These Regulations extend to England and Wales and Scotland.

**Amendment to the Measuring Container Bottles (EEC Requirements) Regulations 1977**

2. Omit regulation 7B of the Measuring Container Bottles (EEC Requirements) Regulations 1977(a).

**Amendment to the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001**

3.—(1) The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001(b) are amended as follows.

(2) In regulation 2(1)(a) omit “as it has effect immediately before IP completion day”.

(3) For regulation 12B substitute—

**“Further use of UK marking**

**12B.**—(1) In this regulation any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive.

(2) Paragraph (3) applies where, before placing equipment on the market or putting it into service in Great Britain, a responsible person ensures that—

- (a) the applicable requirements of Article 12 or 13 are met with respect to the equipment;
- (b) the conformity assessment procedure that applies to the equipment in accordance with Article 14(1) or (2) has been carried out;
- (c) the technical documentation referred to in Article 14 and in Annexes V to VIII has been drawn up;
- (d) the technical documentation and any other records and correspondence relating to the applicable conformity assessment procedure are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulation 7(2)(a) and (b) are to be treated as being satisfied;
- (b) regulation 10 does not apply;
- (c) regulations 7(2)(c), (4) and (5), 11, 16(1) and 17 and paragraph 8 of Schedule 13 apply subject to the modifications in paragraph (4);

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(a) S.I. 1977/932; they were made under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

(b) S.I. 2001/1701; they were made under section 2(2) of the European Communities Act 1972 (c. 68) and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

(d) Schedule 5 applies subject to the modifications in paragraphs (4) and (5).

(4) The modifications referred to in paragraph (3)(c) and (d) are that—

- (a) any reference to the “indication of the guaranteed sound power level” is to be read as a reference to the indication of the guaranteed sound power level referred to in Article 11 and Annex IV;
- (b) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 14 and Annexes V to VIII;
- (c) for the purpose of regulation 16(1)—
  - (i) the reference to regulation 7(2)(c) is to be read as a reference to Article 11(2);
  - (ii) the reference to regulation 10 is to be read as a reference to Article 14(1) or (2).

(5) The modifications to Schedule 5 referred to in paragraph (3)(d) are—

- (a) the reference to “conformity assessment procedure” is to be read as a reference to the conformity assessment procedure applied to the equipment in accordance with Article 14(1) or (2);
- (b) the reference to “approved body” is to be read as a reference to any body which undertook a conformity assessment procedure in accordance with Article 14(1) or (2);
- (c) any reference to “these Regulations” is to be read as including a reference to the Directive.”.

(4) In regulation 23, omit paragraphs (4) to (6).

#### **Amendment to the Supply of Machinery (Safety) Regulations 2008**

4.—(1) The Supply of Machinery (Safety) Regulations 2008(a) are amended as follows.

(2) In regulation 2(1)(a) omit “(as it had effect immediately before IP completion day)”.

(3) For regulation 12B substitute—

##### **“Further use of UK marking**

**12B.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “harmonised standard” means a harmonised standard within the meaning of Article 2(1) the reference to which has been published in the Official Journal of the European Union.

(2) Subject to paragraphs (4) and (5), paragraph (3) applies where, before placing machinery on the market or putting machinery into service, the responsible person ensures that—

- (a) the machinery satisfies the essential health and safety requirements set out in Annex I;

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(a) S.I. 2008/1597; they were made under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (b) the appropriate procedure for assessing conformity as set out in Article 12 is carried out;
- (c) the technical file referred to in Annex VII, part A is compiled and can be made available to enforcement authorities on request;
- (d) the technical file, necessary information and records and correspondence relating to the assessment of conformity are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) regulation 7(2)(a), (b) and (d) is to be treated as being satisfied;
- (b) regulations 10 to 12 do not apply;
- (c) regulations 7(2)(f)(ii), (5) and (6) and 13 and Part 2 of Schedule 2 apply subject to the modifications in paragraph (6).

(4) This paragraph applies to machinery listed in Annex IV in relation to which there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 7(2).

(5) Where paragraph (4) applies, paragraph (2)(b) is to be read as requiring the manufacturer to carry out the procedure for assessing conformity set out in Article 12(4).

(6) The modifications referred to in paragraph (3)(c) are that—

- (a) in regulation 7(2)(f)(ii) the reference to Part 3 of Schedule 2 is to be read as a reference to the first paragraph of that Part only;

(b) in regulation 7(5)—

- (i) sub-paragraph (a) is to be read as referring to the procedure for assessing conformity set out in Annex IX;
- (ii) the reference in sub-paragraph (b) to a “type-examination certificate” is to be read as a reference to an EC type-examination certificate issued pursuant to the procedure set out in Annex IX;
- (iii) the reference to “Annex IX (Part 9 of Schedule 2), point 9” is to be read as a reference to point 9 of Annex IX;

(c) in regulation 7(6)—

- (i) sub-paragraph (a) is to be read as referring to the procedure for assessing conformity set out in Annex X;
- (ii) the reference to “Annex X (Part 10 of Schedule 2)” is to be read as a reference to Annex X;

(d) in section 1, Part A of Part 2 of Schedule 2—

(i) in point 4—

(aa) the reference to the “relevant provisions of these Regulations” is to be read as including the Directive;

(bb) in the second place in which it occurs, the reference to “relevant provisions” is to be read as including a reference to other provisions of European Union legislation with which the machinery complies, where applicable;

(ii) point 5 is to be read as requiring the name, address and identification of the conformity assessment body which undertook the procedure for assessing conformity set out in Annex IX and the number of the EC type-examination certificate issued pursuant to that procedure;

- (iii) point 6 is to be read as requiring the name, address and identification of the conformity assessment body which undertook the procedure for assessing conformity set out in Annex X;
- (iv) in point 7 the reference to “designated standards” is to be read as a reference to harmonised standards;
- (v) the second paragraph of Part 3 of Schedule 2 does not apply.”.

(4) In regulation 30, omit paragraphs (3) to (5).

#### **Amendment to the Aerosol Dispensers Regulations 2009**

**5.**—(1) The Aerosol Dispensers Regulations 2009<sup>(a)</sup> are amended as follows.

(2) For regulation 5A substitute—

##### **“Obligations that are met by complying with obligations in the Directive**

**5A.**—(1) In this regulation any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive.

(2) Paragraph (5) sets out the requirements which must be complied with in order to mark an aerosol dispenser with the UK marking.

(3) Paragraphs (5) and (6) set out the requirements which must be complied with under regulation 5(a)(ii)(aa) in order to mark an aerosol dispenser with the symbol “3” (inverted epsilon).

(4) Where the requirements in paragraph (5) are complied with—

- (a) the requirements of regulation 3(1) are disapplied;
- (b) the requirements of regulation 3(2) to (7) are treated as being satisfied;
- (c) the reference in regulation 5(a)(i) to regulation 3 is to be read as a reference to paragraph (5) and regulation 3(8) and (9).

(5) The requirements referred to in paragraphs (2) and (3) are that—

- (a) the aerosol dispenser is a relevant aerosol dispenser;
- (b) the relevant aerosol dispenser—
  - (i) complies with the provisions relating to construction and equipment set out in point 2.1 of the Annex;
  - (ii) complies with the provisions relating to the volume of the liquid phase set out in point 2.3 of the Annex;
  - (iii) complies with the special provision set out in points 3, 4 and 5 of the Annex in the case of metal, glass and plastic dispensers respectively;
  - (iv) meets the tests specified in point 6.1.1 of the Annex in the case of empty containers;
  - (v) meets the test specified in point 6.1.2 and 6.1.3 of the Annex in the case of empty metal and protected glass dispensers respectively; and
  - (vi) satisfies one of the following paragraphs—

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<sup>(a)</sup> S.I. 2009/2824; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (aa) it meets the test methods specified in point 6.1.4.1(a) of the Annex and the dispenser is not of a type referred to in point 6.1.4.2 of the Annex;
  - (bb) it meets the test method specified in point 6.1.4.1(b) of the Annex and the dispenser is not of a type referred to in point 6.1.4.2 of the Annex;
  - (cc) it meets the test method specified in point 6.1.4.1(c) of the Annex;
  - (c) the person responsible for the marketing of the relevant aerosol dispenser has complied with the obligations set out after the heading to point 2 (general provisions) and immediately before point 2.1 in the Annex.
- (6) The requirements referred to in paragraph (3) are that—
- (a) the relevant aerosol dispenser—
    - (i) complies with the requirements of Article 8(1) (or where permitted by that Article, its label complies with those requirements);
    - (ii) complies with the requirements of Article 8(1a);
    - (iii) bears, or where permitted by Article 8(1), has on its label the information required by Article 8(1)(d) and 8(1a) prepared in or translated into English; and
  - (b) the person responsible for the marketing of the relevant aerosol dispenser has affixed the symbol “3” (inverted epsilon) in accordance with Article 3.”.

**Amendment to the Ecodesign for Energy-Related Products Regulations 2010 and related legislation**

**6.—(1)** The Ecodesign for Energy-Related Products Regulations 2010<sup>(a)</sup> are amended as follows—

- (a) in regulation 2(1), in the definition of “the Directive” omit “as it had effect immediately before IP completion day”;
- (b) in regulation 20A, omit paragraphs (4A) and (4B);
- (c) omit regulation 20C.

(2) Commission Regulation (EU) No. 813 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters <sup>(b)</sup> is amended as follows—

- (a) for Article 4.3 substitute—

“3.1. Subject to subparagraph 3, the conformity of series-produced boilers must be certified by—

- (a) examination of the efficiency of a boiler type in accordance with—
  - (i) module B as described in Annex 3 to Directive 92/42/EEC, subject to the modifications in paragraph 4, where module B is undertaken by an approved body; or
  - (ii) module B as described in Annex 3 to Directive 92/42/EEC, subject to the modifications in paragraph 3.2(a); and

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(a) S.I. 2010/2617; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/539 and S.I. 2022/1393; there are other amending instruments but none is relevant.

(b) EUR 813/2013.

- (b) a declaration of conformity to the approved type in accordance with—
    - (i) module C, D or E as described in Annex 4 to Directive 92/42/EEC, subject to the modifications in paragraph 5, where any of those modules are undertaken by an approved body; or
    - (ii) module C, D or E as described in Annex 4 to Directive 92/42/EEC, subject to the modifications in paragraph 3.2(b).
- 3.2. The modifications referred to in—
- (a) paragraph 3.1(a)(ii) are that paragraph 9 of Annex 3 to Directive 92/42/EEC is to be read as if—
    - (i) for the first two references to “the Community” there were substituted “Great Britain”;
    - (ii) for “Community market” there were substituted “the market of Great Britain”;
  - (b) paragraph 3.1(b)(ii) are that Annex 4 to Directive 92/42/EEC is to be read as if—
    - (i) in paragraph 1 of the description of “Module D: Product quality assurance”, for “the CE marking is accompanied by” there were substituted “the written declaration of conformity must include”;
    - (ii) in paragraph 1 of the description of “Module E: Product quality assurance”, for “the CE marking must be accompanied by” there were substituted “the written declaration of conformity must include”;
    - (iii) in all other places for “CE marking” there were substituted “UK marking”;
    - (iv) any reference to “authorised representative” were a reference to an authorised representative within the meaning of regulation 2 of the Ecodesign for Energy-Related Products Regulations 2010; and
    - (v) the reference in paragraph 3 of the description of “Module C: conformity to type” to “the Community market” were a reference to the market of Great Britain.
- 3.3. For boilers burning gaseous fuels, the procedures for assessing the conformity of their efficiency must be those used to assess conformity to the safety requirements laid down in Regulation (EU) 2016/426 of the European Parliament and of the Council of March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC<sup>(a)</sup>.”;
- (b) in Article 4.4 for “3(a)” substitute “3.1(a)(i)”;
  - (c) in Article 4.5 for “3(b)” substitute “3.1(b)(i)”.

### **Amendment to the Toys (Safety) Regulations 2011**

7.—(1) The Toys (Safety) Regulations 2011<sup>(b)</sup> are amended as follows.

(2) In regulation 2A, omit paragraphs (5) to (7).

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(a) EUR 2016/426, as amended by S.I. 2021/1273 and S.I. 2022/1393.

(b) S.I. 2011/1881; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273, S.I. 2022/1393 and S.I. 2022/659.

- (3) In regulation 39A—
  - (a) in paragraph (2) omit “UK”;
  - (b) omit paragraph (10)(g).
- (4) For regulation 39AA substitute—

**“Further use of UK marking**

**39AA.** —(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
- (b) “harmonised standard” has the meaning given to it in Article 3(8).

(2) Subject to paragraphs (4) and (5), paragraph (3) applies where, before placing a toy on the market, a manufacturer—

- (a) ensures that the toy has been designed and manufactured in accordance with the requirements set out in—
  - (i) Article 10 (essential safety requirements); and
  - (ii) Annex II (particular safety requirements);
- (b) carries out the safety assessment in accordance with Article 18;
- (c) ensures that the relevant conformity assessment procedure has been carried out in accordance with Article 19;
- (d) in cases where the manufacturer considers that Article 19(3) applies, ensures that the provisions of Article 20 are complied with;
- (e) draws up the technical documentation in accordance with Article 21(1); and
- (f) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedure are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 10(1) and (2)(a) to (c) and (e), 11, 12, 13, and 17(1) to (4) are to be treated as being satisfied;
- (b) regulations 14 and 42 to 44 do not apply;
- (c) regulations 15, 16, 17(5), 21, 25, 26, 28, 30 to 37, 39(1), 47 and 52 apply subject to the modifications in paragraph (6);
- (d) regulations 22 and 45 and Schedule 3 apply subject to the modifications in paragraphs (6) and (7).

(4) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard.

(5) Where paragraph (4) applies paragraph (2)(c) is treated as requiring the manufacturer to carry out the conformity assessment procedures referred to in Article 19(3).

(6) The modifications referred to in paragraph (3)(c) and (d) are that—

- (a) any reference to “essential safety requirements” is to be read as a reference to the requirements set out in—
  - (i) Article 10 (essential safety requirements); and
  - (ii) Annex II (particular safety requirements);

- (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (c) any reference to “applicable conformity assessment procedure” is to be read as a reference to the applicable conformity assessment procedure referred to in Article 19;
  - (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 21(1);
  - (e) any reference to “approved body” is to be read as a reference to the conformity assessment body that undertook any conformity assessment procedure set out in Article 19.
- (7) The modifications referred to in paragraph (3)(d) are that—
- (a) in regulations 22 and 45 any reference to “Type examination certificate” is to be read as a reference to any certificate issued pursuant to the conformity assessment procedure set out in Article 20;
  - (b) in Schedule 3 the reference to “enactments” is to be read as including a reference to the Directive.”.

**Amendment to the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012**

**8.**—(1) The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(a) are amended as follows.

(2) In regulation 2, for the definition of “the Directive” substitute—

““the Directive” means Directive 2011/65/EU of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (b)as read in accordance with regulation 2B;”.

(3) For regulation 34A substitute—

**“Obligations which are met by complying with obligations in the Directive**

**34A.**—(1) In this regulation—

- (a) any reference to an Article is a reference to an Article of the Directive;
  - (b) “CE marking” has the meaning given to it in Article 3(15).
- (2) Paragraph (3) applies where, before placing EEE on the market, the manufacturer—
- (a) ensures the EEE has been designed and manufactured in accordance with the requirements set out in Articles 4 and 7;
  - (b) ensures that the conformity assessment procedure that applies to the EEE in accordance with Article 7(b) has been carried out;
  - (c) affixes a CE marking, in accordance with Articles 7(c) and 15(1) and (2);
  - (d) draws up an EU declaration of conformity, in accordance with Article 13; and

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(a) S.I. 2012/3032; they were made under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018 (c. 16); in regulation 2 the definition of “the Directive” was amended by S.I. 2018/942 and 2020/1647; regulation 34A was inserted in respect of England and Wales and Scotland by S.I. 2019/188; regulation 34B was inserted in respect of England and Wales and Scotland by S.I. 2020/1647 and was amended by S.I. 2022/1393; there are other amending instruments but none is relevant.

(b) OJ L 174, 1.7.2011, p. 88.

- (e) ensures that the EU declaration of conformity is prepared in or translated into English.
- (3) Where this paragraph applies—
  - (a) the requirements of regulations 12(1), 13 and 14(1) and (2) are satisfied in respect of that EEE;
  - (b) regulation 14(3), (5) and (6) apply to that EEE subject to the modifications in paragraph (8).
- (4) Paragraph (5) applies where, before placing EEE on the market, the importer ensures that—
  - (a) the conformity assessment procedure that applies to that EEE in accordance with Article 7(b) has been carried out;
  - (b) the manufacturer has drawn up the technical documentation referred to in Article 7(b); and
  - (c) the EEE bears the CE marking referred to in Article 7(c).
- (5) Where this paragraph applies, regulation 23(b) applies to that EEE subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making EEE available on the market, a distributor ensures that the EEE bears the CE marking referred to in Article 7(c).
- (7) Where this paragraph applies, regulation 29(1)(a) applies to that EEE subject to the modifications in paragraph (8).
- (8) The modifications referred to in paragraphs (3)(b), (5) and (7) are that—
  - (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
  - (b) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 7(b);
  - (c) any reference to “UK marking” is to be read as a reference to the CE marking.
- (9) Nothing in this regulation is to be taken to affect the prohibition in regulation 3(1) on placing, or making available, EEE on the market containing the substances listed in Schedule A1, subject to any exemptions as listed in Table 1 or Table 2 of Schedule A2.
- (10) Where an exemption continues to apply by virtue of regulations 6(4), 7(3) or (4) or 10(4) of the Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020(a), Table 1 and Table 2 of Schedule A2 are to be read in accordance with those Regulations.”.

(4) For regulation 34B, substitute—

**“Further use of the UK marking**

**34B.**—(1) In this regulation—

- (a) any reference to an Article is a reference to an Article of the Directive;
  - (b) “harmonised standard” has the meaning given to it in Article 3(13).
- (2) Paragraph (3) applies where, before placing EEE on the market, the manufacturer—
- (a) ensures the EEE has been designed and manufactured in accordance with the requirements set out in Articles 4 and 7; and

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(a) S.I. 2020/1647.

- (b) ensures that the conformity assessment procedure that applies to the EEE in accordance with Article 7(b) has been carried out.
- (3) Where this paragraph applies—
  - (a) the requirements of regulation 12(1) are treated as being satisfied in respect of that EEE;
  - (b) regulations 15 and 17(2) and paragraphs 25 and 26 of Schedule 1 and paragraph 6 of Schedule 1A apply to that EEE subject to the modifications in paragraph (6).
- (4) Paragraph (5) applies where, before placing EEE on the market, the importer ensures that—
  - (a) the conformity assessment procedure that applies to that EEE in accordance with Article 7(b) has been carried out;
  - (b) the manufacturer has drawn up the technical documentation referred to in Article 7(b).
- (5) Where this paragraph applies—
  - (a) the requirements of regulation 23(b)(i) are treated as being satisfied in respect of that EEE;
  - (b) regulation 27(1)(b) applies to that EEE subject to the modifications in paragraph (6).
- (6) The modifications referred to in paragraphs (3)(b) and (5)(b) are that—
  - (a) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (b) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 7(b).
- (7) Nothing in this regulation is to be taken to affect the prohibition in regulation 3(1) on placing, or making available, EEE on the market containing the substances listed in Schedule A1, subject to any exemptions as listed in Table 1 or Table 2 of Schedule A2.
- (8) Where an exemption continues to apply by virtue of regulations 6(4), 7(3) or (4) or 10(4) of the Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020, Table 1 and Table 2 of Schedule A2 are to be read in accordance with those Regulations.”.

#### **Amendment to the Explosives Regulations 2014**

- 9.**—(1) The Explosives Regulations 2014(a) are amended as follows.
- (2) In regulation 2(1), in the definition of “the Directive” omit “(as it has effect immediately before IP completion day)”.
  - (3) In regulation 64A—
    - (a) in paragraphs (2) and (4) omit “Subject to paragraphs (6) and (7),”;
    - (b) omit paragraphs (6) and (7).
  - (4) For regulation 64C, substitute—

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(a) S.I. 2014/1638; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2016/315, S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

**“Further use of the UK marking**

**64C.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
- (b) “harmonised standard” has the meaning given to it in Article 2(16).

(2) Paragraph (3) applies where, before placing a civil explosive on the market, the manufacturer—

- (a) ensures that the civil explosive has been designed and constructed in accordance with the essential safety requirements set out in Annex II;
- (b) ensures that the relevant conformity assessment procedures that apply to that civil explosive in accordance with Article 20 have been carried out;
- (c) draws up the technical documentation referred to in Annex III; and
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 39 and 40 are to be treated as being satisfied;
- (b) regulations 65, 66 and 68(3) and (4) and paragraph 12(1)(b) of Schedule 12 do not apply;
- (c) regulations 41 to 43, 47 to 49, 52, 57, 60 and 64(1), (3) and (4) are to be read subject to the modifications in paragraph (4);
- (d) regulation 67 and Schedule 18 are to be read subject to the modifications in paragraphs (4) and (5).

(4) The modifications referred to in paragraph (3)(c) and (d) are that—

- (a) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements as set out in Annex II;
- (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
- (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedure referred to in Article 20;
- (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex III.

(5) The modifications referred to in paragraph (3)(d) are that—

- (a) in regulation 67(b) the reference to “Schedule 17” is to be read as a reference to Annex III;
- (b) in Schedule 18—
  - (i) in paragraph 5 the reference to “relevant statutory requirements” is to be read as including the Directive;
  - (ii) in paragraph 7 the reference to “approved body” is to be read as a reference to any body that undertook any conformity assessment procedure in accordance with Article 20.”.

**Amendment to the Pyrotechnic Articles (Safety) Regulations 2015**

**10.**—(1) The Pyrotechnic Articles (Safety) Regulations 2015(a) are amended as follows.

(2) In regulation 2(1), in the definition of “the Directive” omit “(as it has effect immediately before IP completion day)”.

(3) In regulation 38B(1)(b) omit “, as it has effect immediately before exit day”.

(4) For regulation 38C(1)(a) substitute—

“(a) compiled in accordance with Annex II to Regulation No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency(b);”.

(5) For regulation 38E substitute—

**“Further use of UK marking**

**38E.**—(1) In this regulation—

(a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;

(b) “harmonised standard” has the meaning given to it in Article 3(14).

(2) Paragraph (3) applies where, before placing a pyrotechnic article on the market, the manufacturer ensures that—

(a) the pyrotechnic article has been designed and manufactured in accordance with the essential safety requirements set out in Annex I;

(b) the conformity assessment procedure that applies to that pyrotechnic article in accordance with Article 17 has been carried out;

(c) the technical documentation referred to in Annex II has been drawn up; and

(d) the technical documentation and other records relating to the conformity assessment procedure are prepared in or translated into English.

(3) Where this paragraph applies—

(a) the requirements of regulations 7 and 8 are to be treated as being satisfied;

(b) except for regulations 41 and 42(1) to (2), Part 3 does not apply;

(c) regulations 9, 10, 13, 14, 15(1)(a) and (b), 16, 19, 26, 29, 38(1) and 60 apply subject to the modifications in paragraph (4);

(d) regulations 6 and 41 and Schedule 3A apply subject to the modifications in paragraphs (4) and (5).

(4) The modifications referred to in paragraph (3)(c) and (d) are that—

(a) any reference to the “essential safety requirements” is to be read as a reference to the essential safety requirements in Annex I;

(b) any reference to “designated standard” is to be read as a reference to a harmonised standard;

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(a) S.I. 2015/1553; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

(b) OJ L 396, 30.12.2006, p. 1. Annex II was substituted by Commission Regulation (EU) 2020/878.

- (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the pyrotechnic article in accordance with Article 17;
  - (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex II.
- (5) The modifications referred to in paragraph (3)(d) are that—
- (a) any reference to “approved body” is to be read as a reference to any conformity assessment body that undertook any conformity assessment procedure in accordance with Article 17;
  - (b) any reference to “Schedule 2A” is to be read as a reference to Annex II;
  - (c) in Schedule 3A the reference to “statutory requirements” is to be read as including the Directive.”.
- (6) In regulation 74A, omit paragraphs (4) to (6).

### **Amendment to the Electromagnetic Compatibility Regulations 2016**

- 11.**—(1) The Electromagnetic Compatibility Regulations 2016(a) are amended as follows.
- (2) In regulation 2(1), in the definition of “the Directive” omit “(as it has effect immediately before IP completion day)”.
- (3) In regulation 38A—
- (a) in paragraph (3)(c) for “Part 4” substitute “Part 3”;
  - (b) in paragraph (8)(c) omit “safety”.
- (4) For regulation 38B substitute—

#### **“Further use of the UK marking**

- 38B.**—(1) In this regulation—
- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
  - (b) “harmonised standard” has the meaning given to it in Article 3(17).
- (2) Paragraph (3) applies where, before placing apparatus on the market, the manufacturer—
- (a) ensures that the apparatus has been designed and manufactured in accordance with the essential requirements set out in Annex I;
  - (b) draws up the technical documentation relating to such apparatus referred to in Annex III;
  - (c) ensures that the relevant conformity assessment procedure relating to such apparatus referred to in Article 14 has been carried out; and
  - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedure are prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 8 and 9 are to be treated as being satisfied;

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(a) S.I. 2016/1091; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393.

- (b) except for regulations 41 and 42, Part 3 does not apply;
  - (c) regulations 2(2)(a), 7, 11, 12, 17 to 19, 22, 24, 28, 29, 35(1), 41 and 59 apply subject to the modifications in paragraph (4);
  - (d) regulation 10 and Schedule 4 apply subject to the modifications in paragraphs (4) and (5);
  - (e) regulations 36 and 37 apply subject to the modifications in paragraph (6).
- (4) The modifications referred to in paragraph (3)(c) and (d) are that—
- (a) any reference to “essential requirements” is to be read as a reference to the essential requirements set out in Annex 1;
  - (b) any reference to “designated standard” is to be read as a reference to “harmonised standard”;
  - (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedure referred to in Article 14;
  - (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex III.
- (5) The modifications referred to in paragraph (3)(d) are that—
- (a) in regulation 10, the reference to “enactment” is to be read as including the Directive;
  - (b) in Schedule 4—
    - (i) in paragraph 5, the reference to “statutory requirements” is to be read as including the Directive;
    - (ii) in paragraph 7, the reference to “approved body” is to be read as a reference to the conformity assessment body that undertook any conformity assessment procedure in accordance with Article 14.
- (6) The modifications referred to in paragraph (3)(e) are that—
- (a) in regulation 36 any reference to “paragraph 1 of Schedule 1” is to be read as a reference to paragraph 1 of Annex I;
  - (b) in regulation 37 any reference to “paragraph 2 of Schedule 1” is to be read as a reference to paragraph 2 of Annex I.”.
- (5) In regulation 74A, omit paragraphs (4) to (6).

### **Amendment to the Simple Pressure Vessels (Safety) Regulations 2016**

- 12.**—(1) The Simple Pressure Vessels (Safety) Regulations 2016(a) are amended as follows.
- (2) In regulation 2(4), in the definition of “the Directive” omit “(as it has effect immediately before IP completion day)”.
- (3) For regulation 38C substitute—

#### **“Further use of the UK marking**

- 38C.**—(1) In this regulation—

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(a) S.I. 2016/1092; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018 (c. 16); they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
  - (b) “harmonised standard” has the meaning given to it in Article 2(9).
- (2) Subject to paragraphs (4) and (5), paragraph (3) applies where, before placing a category A vessel on the market, the manufacturer—
- (a) ensures that the vessel has been designed and manufactured in accordance with the essential safety requirements set out in Annex I;
  - (b) ensures that the relevant conformity assessment procedures that apply to that vessel in accordance with Article 13(1) and (2) have been carried out;
  - (c) draws up the technical documentation referred to in Annex II; and
  - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 4(1) and 5 are to be treated as being satisfied;
  - (b) except for regulation 43, Part 3 does not apply;
  - (c) regulations 2(5)(a), 6, 8, 9(2), 16(2), 18(a) and (b), 19(1), 23, 26, 30, 32, 38(1) and 62 apply subject to the modifications in paragraph (6);
  - (d) regulation 43 and Schedule 3 apply subject to the modifications in paragraphs (6) and (7).
- (4) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 12.
- (5) Where paragraph (4) applies, paragraph (2)(b) is to be treated as requiring the manufacturer to have carried out—
- (a) the conformity assessment procedure set out in Article 13(1)(b); and
  - (b) the relevant conformity assessment procedure that applies to that product in accordance with Article 13(2).
- (6) The modifications referred to in paragraph (3)(c) and (d) are that—
- (a) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements referred to in Annex I;
  - (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedure that applies to the vessel in accordance with Article 13(1) and (2);
  - (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex II.
- (7) The modifications referred to in paragraph (3)(d) are that—
- (a) in regulation 43, the reference to Schedule 2 is to be read as a reference to Annex II;
  - (b) in Schedule 3—
    - (i) in paragraph 5 the reference to “relevant statutory requirements” is to be read as including the Directive;

- (ii) in paragraph 7 the reference to “approved body” is to be read as a reference to the conformity assessment body that undertook the relevant conformity assessment procedure in accordance with Article 13(1) or 13(2).”.

(4) In regulation 76A, omit paragraphs (4) to (6).

### **Amendment to the Lifts Regulations 2016**

**13.**—(1) The Lifts Regulations 2016(a) are amended as follows.

(2) In regulation 2(1), in the definition of “Directive” omit “(as it has effect immediately before IP completion day)”.

(3) For regulation 45C substitute—

#### **“Further use of the UK marking**

**45C.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
- (b) “harmonised standard” has the meaning given to it in Article 2(13).

(2) Paragraph (3) applies where, before placing a lift on the market, the installer—

- (a) ensures that the lift has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements set out in Annex I;
- (b) ensures that the conformity assessment procedure that applies to that lift in accordance with Article 16 has been carried out;
- (c) draws up the technical documentation referred to in Article 7(2); and
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedure are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 6 and 7 are to be treated as being satisfied;
- (b) except for regulations 49 and 50(1) to (2), Part 3 does not apply;
- (c) regulations 2(2)(a), 8(1), 9, 24, 25, 26(1)(a) and (b), 45 and 68 apply subject to the modifications in paragraph (6);
- (d) regulation 49 and paragraph 1 of Schedule 5 apply subject to the modifications in paragraphs (6) and (7);
- (e) regulation 8(3) applies subject to the modification in paragraph (7).

(4) Paragraph (5) applies where, before placing a safety component for lifts on the market, the manufacturer—

- (a) ensures that the safety component has been designed and manufactured in accordance with Article 5(2);
- (b) ensures that the conformity assessment procedure that applies to that safety component in accordance with Article 15 has been carried out;

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(a) S.I. 2016/1093; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (c) ensures that the relevant technical documentation referred to in Article 8(2) is drawn up;
  - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English.
- (5) Where this paragraph applies—
- (a) the requirements of regulations 15 and 16 are treated as being satisfied;
  - (b) except for regulations 49 and 50(1) to (2), Part 3 does not apply;
  - (c) regulations 2(2)(a), 17(1), 18, 20(2)(b), 25, 26(1)(a) and (b), 27(1), 30, 33(b), 38, 39, 45 and 68 apply subject to the modifications in paragraph (6);
  - (d) regulation 49 and paragraph 2 of Schedule 5 apply subject to the modifications in paragraphs (6) and (7);
  - (e) regulation 17 applies subject to the modification in paragraph (7).
- (6) The modifications referred to in paragraphs (3)(c) and (d) and (5)(c) and (d) are that—
- (a) any reference to “essential health and safety requirements” is to be read as a reference to the essential health and safety requirements referred to in Annex I;
  - (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the lift or the safety component for the lift in accordance with Article 15 or Article 16, as the case may be;
  - (d) any reference to “technical documentation” is to be read as a reference to the relevant technical documentation set out in Annexes IV to XII.
- (7) The modifications referred to in paragraphs (3)(d) and (e) and (5)(d) and (e) are that—
- (a) in regulation 17 and Schedule 5 any reference to “enactment” is to be read as including the Directive;
  - (b) in regulation 49 any reference to Schedules 12 to 19 is to be read as a reference to Annexes IV to XII;
  - (c) in Schedule 5 any reference to “approved body” is to be read as a reference to the conformity assessment body that undertook the relevant conformity assessment procedure in accordance with Article 15 or 16, as the case may be.”.
- (4) In regulation 82, omit paragraphs (6) to (8).

#### **Amendment to the Electrical Equipment (Safety) Regulations 2016**

**14.—**(1) The Electrical Equipment (Safety) Regulations 2016(a) are amended as follows.

(2) In regulation 2(1), in the definition of “the Directive” omit “(as it has effect immediately before IP completion day)”.

(3) For regulation 34B substitute—

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(a) S.I. 2016/1101; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

**“Further use of UK marking**

**34B.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
- (b) “harmonised standard” has the meaning given to it in Article 2(9).

(2) Paragraph (3) applies where before placing electrical equipment on the market, the manufacturer—

- (a) ensures that the electrical equipment has been designed and manufactured in accordance with the principal elements of the safety objectives set out in Annex I;
- (b) ensures that the conformity assessment procedure that applies to that electrical equipment in accordance with Annex III has been carried out;
- (c) draws up the technical documentation referred to in Annex III; and
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedure are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 4 and 5 are to be treated as being satisfied;
- (b) except for regulations 38 and 39, Part 3 does not apply;
- (c) regulations 2(2)(a), 6(1), 7, 10(2)(b), 14, 16(a) and (b), 20, 21, 27, 28 and 48 and Schedule 8 apply subject to the modifications in paragraph (4);
- (d) regulations 34 and 38 and Schedule 8 apply subject to the modifications in paragraphs (4) and (5).

(4) The modifications referred to in paragraph (3)(c) and (d) are that—

- (a) any reference to “principal elements of the safety objectives” is to be read as a reference to the principal elements of the safety objectives referred to in Annex I;
- (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
- (c) any reference to “conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the equipment in accordance with Annex III;
- (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex III.

(5) The modifications referred to in paragraph (3)(d) are that—

- (a) in regulations 34 and 38 any reference to Schedule 2 is to be read as a reference to Annex III;
- (b) in paragraph 5 of Schedule 8 the reference to “statutory requirements” is to be read as including the Directive.”.

**Amendment to the Pressure Equipment (Safety) Regulations 2016**

**15.**—(1) The Pressure Equipment (Safety) Regulations 2016(a) are amended as follows.

- (a) S.I. 2016/1105; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England

(2) In regulation 2(1), in the definition of “the Directive” omit “(as it has effect immediately before IP completion day)”.

(3) For regulation 39C substitute—

**“Further use of the UK marking**

**39C.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
- (b) “pressure equipment or assembly” means the pressure equipment or assembly referred to in Article 4(1) and (2);
- (c) “harmonised standard” has the meaning given in Article 2(24).

(2) Paragraph (3) applies where, before placing pressure equipment or assembly on the market, the manufacturer—

- (a) ensures that the pressure equipment or assembly has been manufactured in accordance with the essential safety requirements set out in Annex I;
- (b) ensures that the relevant conformity assessment procedures that apply to that pressure equipment or assembly referred to in Article 14 have been carried out;
- (c) draws up the technical documentation referred to in Annex III; and
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) regulations 9(1) and 10 are to be treated as being satisfied;
- (b) except for regulations 48 and 49(1) to (5), Part 3 does not apply;
- (c) regulations 2(2)(a), 12, 15, 21(1)(a) and (b), 22, 25, 31, 32, 33 and 39 apply subject to the modifications in paragraph (4);
- (d) regulations 11, 14, 24, 48 and 49(2) and Schedule 11 are subject to the modifications in paragraphs (4) and (5).

(4) The modifications referred to in paragraph (3)(c) and (d) are that—

- (a) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements set out in Annex I;
- (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
- (c) any reference to “conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedure referred to in Article 14;
- (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex III;
- (e) any reference to “pressure equipment or an assembly referred to in regulation 6 or 7” is to be read as a reference to pressure equipment or assembly referred to in Article 4(1) or (2).

(5) The modifications referred to in paragraph (3)(d) are that—

- (a) in regulation 11—

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and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (i) paragraph (1) is to be read as if sub-paragraph (c) were omitted;
  - (ii) in paragraph (4) the reference to “enactment” is to be read as including the Directive;
  - (b) in regulations 14 and 24 any reference to paragraphs 29 and 30 of Schedule 2 is to be read as a reference to paragraphs 3.3 and 3.4 of Annex I;
  - (c) in regulation 48 the reference to “Schedule 1A to these Regulations” is to be read as a reference to Annex III;
  - (d) in regulation 49(2)—
    - (i) the reference to “regulation 42” is to be read as a reference to Article 14;
    - (ii) the reference to “user inspectorate” is to be read as a reference to any body designated in accordance with Article 16;
  - (e) in Schedule 11—
    - (i) in paragraph 5 the reference to “statutory requirements” is to be read as including a reference to the Directive;
    - (ii) paragraph 7 is to be read as requiring the manufacturer to include the details set out in paragraph 7 of Annex IV.”.
- (4) In regulation 88A, omit paragraphs (4) to (6).

#### **Amendment to the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016**

**16.**—(1) The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016(a) are amended as follows.

(2) In regulation 2(1), in the definition of the “1994 Directive” omit “(as it has effect immediately before IP completion day)”.

- (3) In regulation 36A—
  - (a) for “essential safety requirements” (3 times) substitute “essential health and safety requirements”;
  - (b) in paragraphs (2) and (4) omit “Subject to paragraphs (6) and (7)”;
  - (c) omit paragraphs (6) and (7).
- (4) For regulation 36C substitute—

#### **“Further Use of UK marking**

**36C.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the ATEX Directive;
- (b) “harmonised standard” has the meaning given to it in Article 2(18).

(2) Paragraph (3) applies where, before placing a product on the market, the manufacturer—

- (a) ensures that the product has been designed and manufactured in accordance with the essential health and safety requirements set out in Annex II;

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(a) S.I. 2016/1107; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (b) ensures that the relevant conformity assessment procedures that apply to the product in accordance with Article 13(1) and (2) have been carried out;
  - (c) draws up the technical documentation referred to in Annexes III to IX; and
  - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) regulations 5 and 6 are to be treated as being satisfied;
  - (b) except for regulations 40 and 41(1) to (2) and (5) to (6), Part 3 does not apply;
  - (c) regulations 2(2)(a), 7 to 9, 18, 19(1)(a) and (b), 20, 23, 27, 30, 31, 36 and 59 apply subject to the modifications in paragraph (4);
  - (d) regulations 40 and 41(6) and Schedule 6 apply subject to the modifications in paragraphs (4) and (5).
- (4) The modifications referred to in paragraph (3)(c) and (d) are that—
- (a) any reference to “essential health and safety requirements” is to be read as a reference to the essential health and safety requirements set out in Annex II;
  - (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedure that applies to that product in accordance with Article 13;
  - (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annexes III to IX.
- (5) The modifications referred to in paragraph (3)(d) are that—
- (a) in regulation 40, the reference to “Schedule 3A to these Regulations” is to be read as a reference to Annexes III to IX;
  - (b) regulation 41(5) is to be read as if the words beginning with “and, where” and ending with “body” were omitted;
  - (c) in Schedule 6—
    - (i) in paragraph 5 the reference to “statutory requirements” is to be read as including the ATEX Directive;
    - (ii) in paragraph 7 the reference to “approved body” is to be read as a reference to the conformity assessment body that undertook the relevant conformity assessment procedure in accordance with Article 13.”.
- (5) In regulation 72A, omit paragraphs (4) to (6).

### **Amendment to the Non-automatic Weighing Instruments Regulations 2016**

- 17.—**(1) The Non-automatic Weighing Instruments Regulations 2016(a) are amended as follows.
- (2) In regulation 2(1), in the definition of “the Directive” omit “(as it has effect immediately before IP completion day)”.
- (3) In regulation 4A, omit paragraphs (4), (8) and (9).

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(a) S.I. 2016/1152; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

(4) For regulation 32C, substitute—

**“Further use of UK marking**

**32C.—**(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “harmonised standard” has the meaning given to it in Article 2(11).

(2) Paragraph (3) applies where, before placing a non-automatic weighing instrument on the market, a manufacturer—

- (a) ensures that the non-automatic weighing instrument has been designed and manufactured in accordance with the essential requirements set out in Annex I;
- (b) ensures that the relevant conformity assessment procedures that apply to that non-automatic weighing instrument in accordance with Article 13 have been carried out;
- (c) draws up the technical documentation referred to in Annex II; and
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) regulation 6(1)(a) to (c) is to be treated as being satisfied;
- (b) regulations 34 to 36 and 45(5) and (6) do not apply;
- (c) regulations 8, 14, 16(2)(a) and (b), 17, 20, 23, 28, 29, 44, 55, 58(4), 63 and 72 apply subject to the modifications in paragraph (4);
- (d) regulation 40 and Schedule 9 apply subject to the modifications in paragraphs (4) and (5);
- (e) regulations 41, 45(7), 67, 68 and 71 are to be read subject to the modifications in paragraph (5).

(4) The modifications referred to in paragraph (3)(c) and (d) are that—

- (a) any reference to “essential requirements” is to be read as a reference to the essential requirements as set out in Annex I;
- (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
- (c) any reference to “conformity assessment procedure” is to be read as a reference to the applicable conformity assessment procedure as set out in Article 13;
- (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex II.

(5) The modifications referred to in paragraph (3)(d) and (e) are that—

- (a) in regulation 40 the reference to “Schedule 7” is to be read as a reference to Annex II;
- (b) in regulation 41 the reference to “enactment” is to be read as including the Directive;
- (c) regulation 45(7) is to be read as if the words beginning with “and” and ending with “body” were omitted;

- (d) in regulations 67(2)(b) and 68(4)(b) any reference to “type examination certificate” is to be read as a reference to an EU type-examination certificate issued in accordance with the conformity assessment procedure set out in point 1 of Annex II to the Directive, known as “Module B”;
- (e) in regulation 71 and Schedule 9 any reference to “approved body” is to be read as a reference to the conformity assessment body that undertook the relevant conformity assessment procedure in accordance with Article 13;
- (f) in Schedule 9 the reference to “relevant UK legislation” is to be read as including the Directive.”.

### **Amendment to the Measuring Instruments Regulations 2016**

**18.**—(1) The Measuring Instruments Regulations 2016(a) are amended as follows.

(2) In regulation 2(1), in the definition of “the Directive” omit the words from “and references to” to the end.

(3) In regulation 33A(8)(e) omit “relevant” in the first place in which it occurs.

(4) For regulation 33C substitute—

#### **“Further use of UK marking**

**33C.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “harmonised standard” has the meaning given to it in Article 4(14);
- (c) “instrument-specific Annexes” means Annexes III to XII.

(2) Paragraph (3) applies where, before placing a regulated measuring instrument on the market, the manufacturer—

- (a) ensures that the regulated measuring instrument has been designed and manufactured in accordance with the essential requirements set out in Annex I and in the relevant instrument-specific Annex which applies to the regulated measuring instrument;
- (b) ensures that one of the relevant conformity assessment procedures listed in the relevant instrument-specific Annex that apply to that regulated instrument in accordance with Article 17 has been carried out;
- (c) draws up the technical documentation referred to in Article 18; and
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 7(1)(a) to (c), 44 and 45 are to be treated as being satisfied;
- (b) except for regulations 47 to 52(1) to (7), Part 4 does not apply;

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(a) S.I. 2016/1153; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (c) regulations 8, 9, 15, 17(2)(a) and (b), 18, 21, 24, 29, 30, 51, 63, 68 and 76 apply subject to the modifications in paragraph (4);
  - (d) regulation 47 and Schedule 1K apply subject to the modifications in paragraphs (4) and (5);
  - (e) regulations 48, 52, 72 and 73 apply subject to the modifications in paragraph (5).
- (4) The modifications referred to in paragraph (3)(c) and (d) are that—
- (a) any reference to “essential requirements” is to be read as a reference to the essential requirements referred to in Annex I and in the relevant instrument-specific Annex which applies to the regulated measuring instrument;
  - (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (c) any reference to “conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedure that applies to the regulated measuring instrument in accordance with Article 17;
  - (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 18.
- (5) The modifications referred to in paragraph (3)(d) and (e) are that—
- (a) in regulations 47(1)(b) and 52 any reference to “Schedule 1B” is to be read as a reference to Annex II;
  - (b) in regulation 48 any reference to “enactment” is to be read as including the Directive;
  - (c) regulation 52(10) is to be read as if the words beginning with “and” and ending with “body” were omitted;
  - (d) in regulations 72(3)(b) and 73(3)(b)—
    - (i) any reference to “type examination certificate” is to be read as a reference to an EU-type examination certificate issued under the conformity assessment procedure set out under the heading “MODULE B: EU TYPE EXAMINATION” in Annex II;
    - (ii) any reference to “design examination certificate” is to be read as a reference to an EU-design examination certificate issued in accordance with the conformity assessment procedure set out under the heading “MODULE H1: CONFORMITY BASED ON FULL QUALITY ASSURANCE PLUS DESIGN EXAMINATION” in Annex II.
  - (e) in Schedule 1K—
    - (i) in paragraph 5 the reference to “relevant statutory requirements” is to be read as including the Directive;
    - (ii) in paragraph 7 the reference to “approved body” is to be read as a reference to any conformity assessment body that undertook a conformity assessment procedure in respect of the regulated measuring instrument in accordance with Article 17.”.
- (5) In Schedule 3, in paragraph 2A—
- (a) omit sub-paragraphs (4), (8) and (9);
  - (b) in sub-paragraph (7)(c) for “13” substitute “17”.

**Amendment to the Recreational Craft Regulations 2017**

19.—(1) The Recreational Craft Regulations 2017(a) are amended as follows.

(2) In regulation 2(1), in the definition of the “Directive” omit “(as it had effect immediately before IP completion day)”.

(3) In regulation 40A(8) for “14” substitute “20 or 22”.

(4) For regulation 40C substitute—

**“Further use of UK marking**

**40C.**—(1) In this regulation—

(a) unless otherwise specified, any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;

(b) “harmonised standard” has the meaning given in Article 3(20).

(2) For the purposes of this regulation, references to requirements set out in Article 4(1) and Annex I are to be read as if they include a requirement that the owner’s manual referred to in point 2.5 of Part A of Annex I and point 4 of Part B of that Annex must be in English.

(3) Where a product meets the requirements set out in Article 4(1) and Annex I—

(a) the requirements of regulation 6(a) and (b) are to be treated as being satisfied;

(b) regulation 2(2)(a) applies subject to the modification in paragraph (8).

(4) Subject to paragraphs (6) and (7), paragraph (5) applies where, before placing a product on the market, a manufacturer—

(a) ensures that the product has been designed and manufactured in accordance with the essential requirements set out in Article 4(1) and Annex I;

(b) draws up the technical documentation in accordance with Article 25;

(c) carries out the conformity assessment procedure applicable to the product in accordance with Articles 19 to 22 and 24 or has it carried out; and

(d) ensures that the technical documentation and any other records or correspondence relating to the conformity assessment procedure are prepared in or translated into English.

(5) Where this paragraph applies—

(a) regulations 8 and 9 are to be treated as being satisfied;

(b) except for regulations 53 and 54(1) to (3), Part 3 does not apply;

(c) regulations 2(2)(a), 11, 12, 18, 20, 23, 25, 29, 30, 39, 40 and 71 apply subject to the modifications in paragraph (8);

(d) regulations 10, 19, 53, 54 and Schedule 4 apply subject to the modifications in paragraphs (8) and (9).

(6) This paragraph applies where there is no designated standard or part of a designated standard that corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Articles 20 to 22.

(7) Where paragraph (6) applies, paragraph (4)(c) is to be read as requiring the manufacturer to carry out or have carried out—

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(a) S.I. 2017/737; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (a) in respect of products referred to in Article 20(1)(b)(i), one of the conformity assessment procedures (or combination of procedures) referred to in the second indent of Article 20(1)(b)(i);
  - (b) in respect of exhaust emissions for products referred to in points (d) and (e) of Article 2(1), one of the conformity assessment procedures (or combination of procedures) referred to in Article 21(b);
  - (c) in respect of noise emissions for products referred to in Article 22(1)—
    - (i) the conformity assessment procedure referred to in Article 22(1)(b); or
    - (ii) where applicable in accordance with Article 22(1)(c), one of the conformity assessment procedures referred to in Article 22(1)(c);
  - (d) in respect of noise emissions for products referred to in Article 22(2), the conformity assessment procedure referred to in Article 22(2)(b).
- (8) The modifications referred to in paragraphs (3)(b) and (5)(c) and (d) are that—
- (a) any reference to “essential requirements” is to be read as a reference to the essential requirements set out in Article 4(1) and Annex I (as modified by paragraph (2));
  - (b) any reference to “designated standard” is to be read as a reference to a “harmonised standard”;
  - (c) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 25.
- (9) The modifications referred to in paragraph (5)(d) are that—
- (a) in regulation 10(5) the references to “enactment” are to be read as including the Directive;
  - (b) in regulation 19(2)(b) the reference to “Schedule 1” is to be read as a reference to Annex I (as modified by paragraph (2)) (and the reference to regulation 19(2) in regulation 28 is to be construed accordingly);
  - (c) in regulation 53 the reference to regulations 44 to 47 is to be read as a reference to Articles 20 to 22;
  - (d) in regulation 54 the reference to Schedule 15 is to be read as a reference to Annex II to Decision No 768/2008/EC(a);
  - (e) in Schedule 4—
    - (i) the reference to “approved body” is to be read as a reference to the conformity assessment body that undertook the relevant conformity assessment procedure in accordance with Articles 19 to 22 and 24;
    - (ii) the reference to “relevant statutory requirements” is to be read as including a reference to the Directive.
- (10) Paragraph (11) applies where before putting a product into service, the private importer ensures that—
- (a) the product has been designed and manufactured in accordance with the essential requirements set out in Article 4(1) and Annex I;
  - (b) either—
    - (i) the conformity assessment procedures applicable to the product in accordance with Articles 19 to 22 and 24 have been carried out; or

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(a) OJ L 2018, 13.8.2008, p. 82-128.

- (ii) the procedure set out in Article 23 has been carried out in relation to the product;
  - (c) the technical documentation is drawn up in accordance with Article 25; and
  - (d) the name and address of the conformity assessment body that carried out the relevant conformity assessment procedures in accordance with Articles 19 to 22 and 24 is marked on the product.
- (11) Where this paragraph applies—
- (a) regulation 36(1)(a) and (4) is treated as being satisfied;
  - (b) regulation 43(1) is either—
    - (i) disapplied, where the private importer has ensured compliance with paragraph (10)(b)(i); or
    - (ii) treated as being satisfied, where the private importer has ensured compliance with paragraph (10)(b)(ii);
  - (c) except for regulations 53 and 54(1) to (3), Part 3 does not apply.
- (12) Where, before placing a product referred to in regulation 43(2)(a) or (b) or (3) on the market or putting such product into service, a person applies the procedure referred to in Article 23 to the product, the requirements of regulation 43(2) and (3) are treated as being satisfied.”
- (5) In regulation 89A, omit paragraphs (4) to (8).

#### **Amendment to the Radio Equipment Regulations 2017**

- 20.**—(1) The Radio Equipment Regulations 2017(a) are amended as follows.
- (2) In regulation 2(1), for the definition of “the Directive” substitute—
- ““the Directive” means Directive 2014/53/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment(b);”.
- (3) In regulation 36A(6) for “16” substitute “17”.
- (4) For regulation 36B substitute—

#### **“Further use of UK marking**

- 36B.**—(1) In this regulation—
- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
  - (b) “harmonised standard” has the meaning given to it in Article 2(18).
- (2) Subject to paragraphs (4) and (5), paragraph (3) applies where, before placing radio equipment on the market, the manufacturer—
- (a) ensures that the radio equipment has been designed and manufactured in accordance with the essential requirements set out in Article 3;

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(a) S.I. 2017/1206; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

(b) OJ L 153, 22.5.2014, p.62, as amended by Regulation (EU) 2018/1139, Directive (EU) 2022/2380 and Commission Delegated Regulation (EU) 2023/1717.

- (b) ensures that the conformity assessment procedure that applies to that radio equipment in accordance with Article 17 has been carried out;
  - (c) draws up the technical documentation in accordance with Article 21; and
  - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedure are prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) regulations 7, 9 and 45 are to be treated as being satisfied;
  - (b) except for regulations 42, 43 and 44(1) to (3), Part 3 does not apply;
  - (c) regulations 2(2)(a), 11, 17, 20, 21(a) and (c), 22, 25, 28, 32, 33, 39, 42, 44 and 63 apply subject to the modifications in paragraph (6);
  - (d) regulation 10 and Schedule 6 apply subject to the modifications in paragraphs (6) and (7);
  - (e) Schedule 7 applies subject to the modification in paragraph (7).
- (4) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 17.
- (5) Where paragraph (4) applies, paragraph (2)(b) is to be treated as requiring the manufacturer, when assessing the compliance with the essential requirements set out in Article 3(2) and (3), to ensure either of the conformity assessment procedures set out in Article 17(4) is carried out.
- (6) The modifications referred to in paragraph (3)(c) and (d) are that—
- (a) any reference to the “essential requirements” is to be read as a reference to the essential requirements set out in Article 3;
  - (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to that radio equipment in accordance with Article 17;
  - (d) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex V.
- (7) The modifications referred to in paragraph (3)(d) and (e) are that—
- (a) in regulation 10 the references to “enactment” are to be read as including the Directive;
  - (b) in Schedule 6 any reference to “approved body” is to be read as a reference to the conformity assessment body that undertook the relevant conformity assessment procedure in accordance with Article 17;
  - (c) in Schedules 6 and 7 the references to “relevant statutory requirements” are to be read as including the Directive.”.
- (5) In regulation 76A, omit paragraphs (4) to (6).
- (6) In paragraph 7 of Schedule 6 for “notified” substitute “approved”.

**Amendment to the Personal Protective Equipment (Enforcement) Regulations 2018 and Regulation (EU) 2016/425**

**21.**—(1) The Personal Protective Equipment (Enforcement) Regulations 2018(a) are amended as follows.

(2) In regulation 1(2), in the definition of “Regulation 2016/425 (pre-exit)” omit “, as it had effect immediately before IP completion day”.

(3) In regulation 2, omit paragraph (5).

(4) For regulation 2C substitute—

**“Further use of UK marking**

**2C.**—(1) In this regulation “harmonised standard” has the meaning given to it in Article 3(10) of Regulation 2016/425 (pre-exit).

(2) Paragraph (3) applies where, before placing PPE on the market, the manufacturer—

- (a) ensures that the PPE has been designed and manufactured in accordance with the applicable essential health and safety requirements set out in Annex II of Regulation 2016/425 (pre-exit);
- (b) carries out the applicable conformity assessment procedure referred to in Article 19 of Regulation 2016/425 (pre-exit) or has it carried out;
- (c) draws up the technical documentation referred to in Annex III of Regulation 2016/425 (pre-exit); and
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in, or translated into, English.

(3) Where this paragraph applies—

- (a) Article 8(1) and the first subparagraph of Article 8(2) are to be treated as being satisfied;
- (b) Articles 14, 17(3), 18 and 19 do not apply;
- (c) the following provisions of Article 8 apply subject to the modifications in paragraph (4)—
  - (i) Article 8(2), second subparagraph;
  - (ii) Article 8(3);
  - (iii) Article 8(4);
  - (iv) Article 8(7);
- (d) Articles 9, 10(2), (5) and (8), 11(2) and (3), 15, 17 and 41 and Annex IX apply subject to the modifications in paragraph (4).

(4) The modifications referred to in paragraph (3)(c) and (d) are that—

- (a) any reference to “essential health and safety requirements” is to be read as a reference to the essential health and safety requirements referred to in Annex II of Regulation 2016/425 (pre-exit);
- (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;

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(a) S.I. 2018/390; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (c) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex III of Regulation 2016/425 (pre-exit);
- (d) any reference to point 1.4 of Annex II is to be read as a reference to point 1.4 of Annex II of Regulation 2016/425 (pre-exit);
- (e) any reference to “appropriate conformity assessment procedure” or “appropriate procedure” is to be read as a reference to the conformity assessment procedure applicable to the PPE in accordance with Article 19 of Regulation 2016/425 (pre-exit);
- (f) in Article 15 the references to “enactment” are to be read as including Regulation 2016/425 (pre-exit);
- (g) Article 17(4) is to be read as if the words beginning with “and” and ending with “body” were omitted;
- (h) in Annex IX—
  - (i) in paragraph 5 the reference to “relevant statutory requirements” is to be read as including Regulation 2016/425 (pre-exit);
  - (ii) paragraph 7 is to be read as requiring the manufacturer to include the details set out in paragraph 7 of Annex IX to Regulation 2016/425 (pre-exit).”.

(5) In Article 47 of Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC<sup>(a)</sup>, omit paragraphs (4) to (6).

**Amendment to the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 and Regulation (EU) 2016/426**

**22.**—(1) The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018<sup>(b)</sup> are amended as follows.

(2) For regulation 2C substitute—

**“Further use of UK marking**

**2C.**—(1) In this regulation “harmonised standard” has the meaning given to it in Article 2(23) of Regulation 2016/426 (pre-exit).

(2) Paragraph (3) applies where, before placing an appliance or fitting on the market or using an appliance for their own purposes, the manufacturer—

- (a) ensures that the appliance or fitting has been designed and manufactured in accordance with the essential requirements set out in Annex I to Regulation 2016/426 (pre-exit);
- (b) carries out the applicable conformity assessment procedure referred to in Article 14 of Regulation 2016/426 (pre-exit) or has it carried out;
- (c) draws up the technical documentation referred to in Annex III to Regulation 2016/426 (pre-exit); and

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(a) EUR 2016/425, as amended by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393.

(b) S.I. 2018/389; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedure are prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) Article 7(1) and the first subparagraph of Article 7(2) are to be treated as being satisfied;
  - (b) Articles 13, 14 and 17(3) do not apply;
  - (c) the following provisions of Article 7 apply subject to the modifications in paragraph (4)—
    - (i) Article 7(2), second subparagraph;
    - (ii) Article 7(3);
    - (iii) Article 7(4);
  - (d) Articles 8, 9(2), (4), (5) and (8), 10(2) and (3), 15(1) to (4), 17(4) and 40(1) and Annex V apply subject to the modifications in paragraph (4).
- (4) The modifications referred to in paragraph (3)(c) and (d) are that—
- (a) any reference to “essential requirements” is to be read as a reference to the essential requirements set out in Annex I to Regulation 2016/426 (pre-exit);
  - (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (c) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Annex III to Regulation 2016/426 (pre-exit);
  - (d) in Article 7(2), in the second subparagraph the reference to “procedure referred to in the first subparagraph” is to be read as a reference to the applicable conformity assessment procedure referred to in Article 14 of Regulation 2016/426 (pre-exit);
  - (e) any reference to “appropriate conformity assessment procedure” is to be read as a reference to the applicable conformity assessment procedure referred to in Article 14 of Regulation 2016/426 (pre-exit);
  - (f) Article 17(4) is to be read as if the words beginning with “and” and ending with “paragraph 3” were omitted;
  - (g) in Annex 5 the reference to “relevant statutory requirements” is to be read as including Regulation 2016/426 (pre-exit);
  - (h) in paragraph 7 of Annex 5, the reference to “approved body” is to be read as a reference to the conformity assessment body that undertook the conformity assessment procedure in accordance with Article 14 of Regulation 2016/426 (pre-exit).”.

(3) In Article 44 of Regulation (EU) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC(a), omit paragraphs (4) to (6).

### Transitional provisions

23.—(1) In this regulation—

- (a) “enactment” means any enactment amended by regulations 2 to 22;

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(a) EUR 2016/429, as amended by S.I. 2021/1273 and S.I. 2022/1393.

- (b) “product” means any product regulated by any enactment;
  - (c) “made available on the market” in relation to a product means supplied to the market of Great Britain in the course of a commercial activity, whether in return for payment or free of charge;
  - (d) “placed on the market” in relation to a product means made available on the market for the first time;
  - (e) “put into service” in relation to a product means used for its intended purpose in Great Britain for the first time.
- (2) Paragraph (3) applies where a product—
- (a) was placed on the market or put into service before the commencement of these Regulations; and
  - (b) was in conformity with all enactments applicable to it when it was placed on the market or put into service.
- (3) Where this paragraph applies—
- (a) nothing in these Regulations prevents the product from being made available on the market or put into service after the commencement of these Regulations; and
  - (b) any obligation relating to the product to which any person was subject under any enactment immediately before the commencement of these Regulations continues to apply after the commencement of these Regulations.

*Name*  
*Title*  
Department for Business and Trade

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke and replace provisions of the following legislation as they apply in Great Britain (England and Wales and Scotland):

The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001;

The Supply of Machinery (Safety) Regulations 2008;

The Aerosol Dispensers Regulations 2009;

The Ecodesign for Energy-Related Products Regulations 2010;

The Toys (Safety) Regulations 2011;

The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012;

The Explosives Regulations 2014;

The Pyrotechnic Articles (Safety) Regulations 2015;

The Electromagnetic Compatibility Regulations 2016;

The Simple Pressure Vessels (Safety) Regulations 2016;

The Lifts Regulations 2016;

The Electrical Equipment (Safety) Regulations 2016;

The Pressure Equipment (Safety) Regulations 2016;

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

The Non-automatic Weighing Instruments Regulations 2016;

The Measuring Instruments Regulations 2016;

The Recreational Craft Regulations 2017;

The Radio Equipment Regulations 2017;

The Personal Protective Equipment (Enforcement) Regulations 2018 and Regulation (EU) 2016/425; and

The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 and Regulation (EU) 2016/426.

They also revoke a provision of the Measuring Container Bottles (EEC Requirements) Regulations 1977.

This legislation relates to consumer safety, environmental protection and health and safety and sets out the requirements that products must meet in order to be placed on the market in Great Britain. It is secondary retained EU law within the meaning of section 11(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

The amendments made to each of these pieces of legislation revoke provision that sets out the expiry of provisions which themselves allow obligations in the legislation as it applies in Great Britain to be met by complying with requirements of the corresponding EU law. With the exception of the Measuring Container Bottles (EEC Requirements) Regulations 1977, they replace this provision with provision allowing relevant economic operators to meet any conformity assessment or testing requirements in the legislation as it applies in Great Britain by complying with the corresponding EU conformity assessment or testing requirements.

The Regulations also revoke certain transitional measures which are no longer necessary. The Regulations also amend the definition of some of the EU instruments referred to in the Regulations amended, to remove reference to “IP completion day”. In one case the Regulations replace the definition of the EU instrument so that it refers to the EU instrument as last amended in 2023.

Regulation 23 provides that where a product was in conformity with the Regulations that these Regulations amend when it was first supplied to the market of Great Britain, the changes made by these Regulations do not prevent any further supply of the product and that an obligation to which a person was subject in relation to a product prior to the changes made by these Regulation, continues to apply after the commencement of these Regulations.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Trade and Investment Negotiations - Goods Team, Department for Business and Trade, Old Admiralty Building, London SW1A 2AY and is also published with the Explanatory Memorandum alongside this Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk)