

Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

PART THREE

SEPARATION PROVISIONS

TITLE I

GOODS PLACED ON THE MARKET

Article 40

Definitions

For the purposes of this Title, the following definitions shall apply:

- (a) "making available on the market" means any supply of a good for distribution, consumption or use on the market in the course of a commercial activity, whether in return for payment or free of charge;
- (b) "placing on the market" means the first making available of a good on the market in the Union or the United Kingdom;
- (c) "supply of a good for distribution, consumption or use" means that an existing and individually identifiable good, after the stage of manufacturing has taken place, is the subject matter of a written or verbal agreement between two or more legal or natural persons for the transfer of ownership, any other property right, or possession concerning the good in question, or is the subject matter of an offer to a legal or natural person or persons to conclude such an agreement;
- (d) "putting into service" means the first use of a good within the Union or the United Kingdom by the end user for the purposes for which it was intended or, in the case of marine equipment, placing on board;
- (e) "market surveillance" means the activities carried out and measures taken by market surveillance authorities to ensure that goods comply with the applicable requirements and do not endanger health, safety or any other aspect of public interest protection;
- (f) "market surveillance authority" means an authority of a Member State or of the United Kingdom responsible for carrying out market surveillance on its territory;
- (g) "conditions for the marketing of goods" means requirements concerning the characteristics of goods such as levels of quality, performance, safety or dimensions, including on the composition of such goods or on the terminology, symbols, testing and testing methods, packaging, marking, labelling, and conformity assessment procedures used in relation to such goods; the term also covers requirements concerning production methods and processes, where these have an effect on product characteristics;

Status: This is the original version (as it was originally adopted).

- (h) "conformity assessment body" means a body that performs conformity assessment activities including calibration, testing, certification and inspection;
- (i) "notified body" means a conformity assessment body authorised to carry out third-party conformity assessment tasks under Union law harmonising the conditions for the marketing of goods;
- (j) "animal products" means products of animal origin, animal by-products and derived products, as referred to in points (29), (30) and (31) of Article 4 of Regulation (EU) 2016/429 of the European Parliament and of the Council⁽¹⁾, respectively, feed of animal origin, and food and feed containing products of animal origin.

- (1) Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ("Animal Health Law") ([OJ L 84, 31.3.2016, p. 1](#)).