

SCHEDULE 1

AMENDMENTS TO THE ECODESIGN FOR ENERGY-RELATED PRODUCTS REGULATIONS 2010

Insertion of regulations 20A and 20B

11. After regulation 20 (revocations) insert—

“Transitional provisions in relation to EU Exit

20A.—(1) Part 2 does not apply to a product which—

- (a) was placed on the market or put into service during the pre-exit period; and
- (b) is in conformity with the legislation of an EEA state that implements the Directive.

(2) Subject to paragraph (3), where a product was placed on the market or put into service during the pre-exit period, despite the amendments made by Schedule 1 to the Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before exit day, continues to have effect as it did immediately before exit day, in relation to that product.

(3) Paragraph (2) does not apply to any obligation to take action outside the United Kingdom in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer, authorised representative or importer has taken any action in compliance with regulations 4 or 5 as they had effect immediately before exit day in relation to that product,

that action has effect as if it had been done in compliance with regulations 4 or 5 as they have effect on and after exit day.

(5) In this regulation—

“placed on the market” has the same meaning it had in these Regulations as they had effect immediately before exit day;

“pre-exit period” means the period beginning with 20th November 2010 and ending immediately before exit day;

“put into service” has the same meaning it had in these Regulations as they had effect immediately before exit day.

Obligations met by complying with the Directive

20B.—(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) “CE marking” has the meaning given in Article 5(2);
- (c) “EC declaration of conformity” has the same meaning as in Article 5(3); and
- (d) “harmonised standard” has the meaning given to it in Article 2(27).

(2) Subject to paragraph (8), paragraph (3) applies where—

- (a) before placing a product on the market or putting a product into service, the manufacturer complies with legislation in an EEA state that implements—
 - (i) Article 5 (marking and the EC declaration of conformity); and
 - (ii) Article 8 (conformity assessment); and
- (b) the EC declaration of conformity is translated into English.
- (3) Where this paragraph applies—
 - (a) the requirements in regulation 4 are deemed to be met;
 - (b) Schedules 1 and 1A are disapplied;
 - (c) regulation 3 applies subject to the modification that references to the “UK marking” are to be read as references to the “CE marking”;
 - (d) regulation 7 applies subject to the modifications that—
 - (i) the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
 - (ii) references to “designated standards” are to be read as references to “harmonised standards”;
 - (e) regulation 8 applies subject to the modification that the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
 - (f) regulation 9 applies subject to the modification that references to a “declaration of conformity” or a “declaration” are to be read as references to an “EC declaration of conformity”.
- (4) Subject to paragraph (8), paragraph (5) applies where—
 - (a) before placing a product on the market or putting a product into service, the importer complies with legislation in an EEA state implementing Article 4 (responsibilities of the importer); and
 - (b) the EC declaration of conformity is translated into English.
- (5) Where this paragraph applies—
 - (a) the requirements imposed on the importer in regulation 5 are deemed to be met;
 - (b) Schedules 1 and 1A are disapplied;
 - (c) regulation 7 applies subject to the modification that references to “designated standards” are to be read as references to “harmonised standards”;
 - (d) regulation 8 applies subject to the modification that the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
 - (e) regulation 9 applies subject to the modification that references to a “declaration of conformity” or a “declaration” are to be read as references to an “EC declaration of conformity”.
- (6) Subject to paragraph (8), paragraph (7) applies where—
 - (a) before placing a product on the market or putting a product into service, the authorised representative complies with legislation in an EEA state that implements—
 - (i) Article 5 (marking and the EC declaration of conformity); and
 - (ii) Article 8 (conformity assessment); and
 - (b) the EC declaration of conformity is translated into English.
- (7) Where this paragraph applies—

- (a) the requirements imposed on the authorised representative in regulation 5 are deemed to be met;
 - (b) Schedules 1 and 1A are disapplied;
 - (c) regulation 7 applies subject to the modification that references to “designated standards” are to be read as references to “harmonised standards”;
 - (d) regulation 8 applies subject to the modification that the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
 - (e) regulation 9 applies subject to the modification that references to a “declaration of conformity” or a “declaration” are to be read as references to an “EC declaration of conformity”.
- (8) 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 10, paragraphs (2)(a)(ii), (4) and (6)(a)(ii) are to be treated as requiring the manufacturer to have carried out the conformity assessment procedure set out in Article 8.”.