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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Product Safety and Metrology (Amendment  
and Transitional Provisions) Regulations 2022**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 and come into force on 31st December 2022.

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

**Expiry of provisions relating to obligations which are met by complying with requirements under European law**

2. In the provisions listed in Schedule 1, for “24 months” substitute “four years”.

**Extension of period after which transitory labelling provisions cease to have effect**

3. In the provisions listed in Schedule 2, for “36 months” substitute “seven years”.

**Expiry of provisions relating to information identifying importers**

4. In the provisions listed in Schedule 3, for “24 months” substitute “seven years”.

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

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

(2) In regulation 23 (transitional provision relating to EU exit) after paragraph (4) insert—

“(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) the product has not been placed on the market or put into service; and
- (b) a responsible person has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 14(1) or 14(2) of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 10.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.”.

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(1) [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

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

- 6.—(1) The Supply of Machinery (Safety) Regulations 2008(2) are amended as follows.
- (2) In regulation 30 (transitional provisions in relation to EU exit) after paragraph (3) insert—
- “(4) Subject to paragraph (5), where before 11pm on 31st December 2024—
- (a) the product has not been placed on the market or put into service; and
  - (b) a responsible person has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 12 of the Directive
- that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 10, 11 or 12.
- (5) Paragraph (4) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
  - (b) in any event, after 31st December 2027.”.

### **Amendment of Regulation (EU) 1223/2009**

7. In Article 19 of Regulation (EU) 1223/2009 of the European Parliament and Council on cosmetic products(3) (labelling) in paragraph (1)(ab) for “two years” substitute “seven years”.

### **Amendment of the Ecodesign for Energy-Related Products Regulations 2010**

- 8.—(1) The Ecodesign for Energy-Related Products Regulations 2010(4) are amended as follows.
- (2) In regulation 20A (transitional provisions in relation to EU exit) after paragraph (4) insert—
- “(4A) Subject to paragraph (4B), where before 11pm on 31st December 2024—
- (a) a product has not been placed on the market or put into service; and
  - (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 8 of the Directive
- that action has effect as if it had been done under the applicable procedure set out in Schedule 1A.
- (4B) Paragraph (4A) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
  - (b) in any event, after 31st December 2027.”.

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

- 9.—(1) The Toys (Safety) Regulations 2011(5) are amended as follows.

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- (2) [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.
- (3) [EUR 2009/1223](#), as amended by [S.I. 2019/696](#); there are other amending instruments but none is relevant.
- (4) [S.I. 2010/2617](#); 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. 2019/539](#); there are other amending instruments but none is relevant.
- (5) [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

- (2) In regulation 2A (transitional provisions in relation to EU exit) after paragraph (5) insert—
- “(6) Subject to paragraph (7), where before 11pm on 31st December 2024—
- (a) a product has not been placed on the market; and
  - (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 19 of the Directive that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 13.
- (7) Paragraph (6) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
  - (b) in any event, after 31st December 2027.”.

#### **Amendment of the Explosives Regulations 2014**

- 10.**—(1) The Explosives Regulations 2014(6) are amended as follows.
- (2) In regulation 82A (transitional provision in relation to EU exit) after paragraph (4) insert—
- “(5) Subject to paragraph (6), where before 11pm on 31st December 2024—
- (a) a product has not been placed on the market; and
  - (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 20 of the Directive that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 66.
- (6) Paragraph (5) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
  - (b) in any event, after 31st December 2027.”.

#### **Amendment of the Pyrotechnic Articles (Safety) Regulations 2015**

- 11.**—(1) The Pyrotechnic Articles (Safety) Regulations 2015(7) are amended as follows.
- (2) In regulation 74A (transitional provision in relation to EU exit) after paragraph (4) insert—
- “(5) Subject to paragraph (6), where before 11pm on 31st December 2024—
- (a) a product has not been placed on the market; and
  - (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 17 of the Directive that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 40.
- (6) Paragraph (5) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and

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(6) [S.I. 2014/1638](#); they were made in part under 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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

(7) [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

(b) in any event, after 31st December 2027.”.

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

**12.**—(1) The Electromagnetic Compatibility Regulations 2016<sup>(8)</sup> are amended as follows.

(2) In regulation 74A (transitional provision in relation to EU exit) after paragraph (4) insert—

“(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 14 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 40.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.”.

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

**13.**—(1) The Simple Pressure Vessels (Safety) Regulations 2016<sup>(9)</sup> are amended as follows.

(2) In regulation 76A (transitional provision in relation to EU exit) after paragraph (4) insert—

“(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 13(1) or 13(2) of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 40 or 41.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.”.

### **Amendment of the Lifts Regulations 2016**

**14.**—(1) The Lifts Regulations 2016<sup>(10)</sup> are amended as follows.

(2) In regulation 82 (transitional provisions)—

- (a) in paragraph (3) for “In paragraphs (4), (5) and (6)” substitute “In paragraphs (4) to (8)”;
- (b) after paragraph (6) insert—

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<sup>(8)</sup> [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

<sup>(9)</sup> [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; they were amended in respect of England and Wales and Scotland by [S.I. 2019/696](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

<sup>(10)</sup> [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

“(7) Subject to paragraph (8), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market; and
- (b) an installer or a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 15 or 16 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 47 or 48.

(8) Paragraph (7) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.”.

### **Amendment of the Pressure Equipment (Safety) Regulations 2016**

**15.**—(1) The Pressure Equipment (Safety) Regulations 2016(**11**) are amended as follows.

(2) In regulation 88A (transitional provision in relation to EU Exit)—

- (a) in paragraph (1) for “a vessel” substitute “pressure equipment or an assembly required, under regulation 6 or 7, to satisfy the essential safety requirements set out in Schedule 2”;
- (b) after paragraph (4) insert—

“(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 14 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 41 or 42.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.”.

### **Amendment of 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(**12**) are amended as follows.

(2) In regulation 72A (transitional provision in relation to EU Exit) after paragraph (4) insert—

“(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 13 of the ATEX Directive

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(11) [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 and Wales and Scotland by [S.I. 2019/696](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

(12) [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 39.

- (6) Paragraph (5) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
  - (b) in any event, after 31st December 2027.”.

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

**17.**—(1) The Non-automatic Weighing Instruments Regulations 2016(**13**) are amended as follows.

- (2) In regulation 4A (transitional provision in relation to EU exit) after paragraph (7) insert—

“(8) Subject to paragraph (9), where before 11pm on 31st December 2024—

- (a) a non-automatic weighing instrument has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 13 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 36.

- (9) Paragraph (8) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
  - (b) in any event, after 31st December 2027.”.

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

**18.**—(1) The Measuring Instruments Regulations 2016(**14**) are amended as follows.

(2) In paragraph 2A of Schedule 3 (transitional provisions relating to UK withdrawal from the EU) after paragraph (7) insert—

“(8) Subject to paragraph (9), where before 11pm on 31st December 2024—

- (a) a regulated measuring instrument has not been placed on the market; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 17 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 39(1).

- (9) Paragraph (8) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
  - (b) in any event, after 31st December 2027.”.

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(13) [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

(14) [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

### **Amendment of the Recreational Craft Regulations 2017**

**19.**—(1) The Recreational Craft Regulations 2017(15) are amended as follows.

(2) In regulation 89A (transitional provisions in relation to EU exit) after paragraph (5) insert—

“(6) Subject to paragraph (8), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under the procedure that applies to that product in accordance with Articles 19 to 24 of the Directive

that action has effect as if it had been done under the applicable procedure referred to in regulation 42 or 43.

(7) Subject to paragraph (8), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
- (b) a private importer or a person to whom regulation 43(2) applies has taken any action under the procedure that applies to that product in accordance with Article 23 of the Directive

that action has effect as if it had been done under the applicable procedure referred to in regulation 43.

(8) Paragraphs (6) and (7) do not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable procedure; and
- (b) in any event, after 31st December 2027.”.

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

**20.**—(1) The Radio Equipment Regulations 2017(16) are amended as follows.

(2) In regulation 76A (transitional provision in relation to EU exit) after paragraph (4) insert—

“(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 17 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 41.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.”.

### **Amendment of Regulation (EU) 2016/425**

**21.**—(1) Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EC](#)(17) is amended as follows.

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(15) [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

(16) [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](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.

(17) EUR 2016/425, as amended by [S.I. 2019/696](#) and [S.I. 2021/1273](#); there are other amending instruments but none is relevant.



(2) In Article 47 (transitional provisions in relation to EU exit) after paragraph 4 insert—

“5. Subject to paragraph 6, where before 11pm on 31st December 2024—

- (a) PPE has not been placed on the market; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to the PPE in accordance with Article 19 of Regulation 2016/425 (pre-exit)

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in Article 19 of this Regulation.

6. Paragraph 5 does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.”.

#### **Amendment of Regulation (EU) 2016/426**

**22.**—(1) Regulation (EU) 2016/426 of the European Parliament and Council on appliances burning gaseous fuels and repealing [Directive 2009/142/EC\(18\)](#) is amended as follows.

(2) In Article 44 (transitional provisions in relation to EU exit) after paragraph 4 insert—

“5. Subject to paragraph 6, where before 11pm on 31st December 2024—

- (a) an appliance or fitting has not been placed on the market; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that appliance or fitting in accordance with Article 14 of Regulation 2016/426 (pre-exit)

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in Article 14 of this Regulation.

6. Paragraph 5 does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.”.

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Business, Energy and Industrial  
Strategy