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## EXPLANATORY NOTE

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

Part 2 of these Regulations creates an offence of the unauthorised disclosure of customs information which has been disclosed by a specified person listed in regulation 3(2) to a market surveillance authority under Article 27(2) of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ No L128, 13.8.2008 p30). Article 27(2) requires bodies in charge of external border controls and market surveillance authorities in a member State to share information with each other. Regulation 3 provides that it is an offence if a recipient of the information discloses it otherwise than for the purposes of market surveillance in respect of a product.

Regulation 5 requires the Secretary of State to review the operation and effect of regulations 2 to 4 and publish a report within five years after they come into force and within every five years after that. Following each review it will fall to the Secretary of State to consider whether those regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke those regulations or to amend them.

Part 3 makes minor amendments to the General Product Safety Regulations 2005, the Personal Protective Equipment Regulations 2002, and the Electromagnetic Compatibility Regulations 2006. It also amends the Pyrotechnic Articles (Safety) Regulations 2010 to remove offences of supplying to countries outside the United Kingdom pyrotechnic articles that are permitted to be supplied in the United Kingdom for a transitional period.

No impact assessment has been produced because these Regulations will have no effect on the costs of business and the voluntary sector. The Regulations are published with the Explanatory Memorandum on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Changes to legislation:**

There are currently no known outstanding effects for the The Customs Disclosure of Information and Miscellaneous Amendments Regulations 2012.