
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations include amendments relating to exit from the European Union and amendments that do not result from exit. They amend the Conformity Assessment (Mutual Recognition Agreements) Regulations 2019 (S.I. 2019/392) (“the Mutual Recognition Agreements Regulations”), which implement mutual recognition agreements between the European Union and third countries, including Switzerland; the Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105), which transpose Directive 2014/68/EU of the European Parliament and of the Council of 15th May 2014 on the harmonisation of the laws of member States relating to the making available on the market of pressure equipment (recast) (OJ No L 189, 27.6.2014 p.164) (“the Directive”); and the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) (“the 2019 EU Exit Regulations”), which make amendments to legislation in the field of product safety and metrology, arising out of the United Kingdom's withdrawal from the European Union.

Part 2 of these Regulations implements various obligations in EU law. Regulation 2 contains two amendments to the Mutual Recognition Agreements Regulations which implement specific provisions of the Agreement between the European Union and the Swiss Confederation on mutual recognition in relation to conformity assessment (OJ No L 114, 30.4.2002, p. 369). The effect of the first amendment is to extend recognition of authorised representatives (persons appointed by a manufacturer to perform specified tasks) established in Switzerland to those appointed in relation to noise emissions from equipment used outdoors. The second amendment implements provisions relating to recognition of importers established in Switzerland. Regulation 3 makes a correction to the Pressure Equipment (Safety) Regulations 2016 to ensure they better give effect to the Directive.

Part 3 of these Regulations amends the 2019 EU Exit Regulations and the Mutual Recognition Agreements Regulations and is made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular as described in paragraphs (a), (b), (c), (d) and (g) of section 8(2) and paragraph (a) of section 8(3) of that Act) arising from the withdrawal of the United Kingdom from the European Union. Regulations 5, 6 and 7 relate to the obligation for importers to provide their contact information in certain product safety and metrology legislation. Regulation 5 modifies that obligation across a range of product safety and metrology legislation so that importers, who must be based in the United Kingdom following the withdrawal of the United Kingdom from the European Union, may for a limited time provide their details on a document accompanying the product, rather than on the product itself, where they import products from Switzerland. Regulations 6 and 7 make a small number of clarifications to the wording of that obligation in the 2019 EU Exit Regulations. Regulation 8 makes changes to provisions relating to cosmetics to ensure those provisions function effectively from exit day. Regulation 9 makes changes to provisions relating to personal protective equipment to ensure that certain savings provisions operate logically. Regulations 10 to 17 amend provisions relating to equipment for use outdoors, machinery, civil explosives, simple pressure vessels, pressure equipment, measuring instruments, recreational craft, and accreditation respectively, and are made to ensure such provisions function effectively from exit day.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019.