

SCHEDULE 25

Amendment of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016

Amendment to regulation 2

- 2.—(1) Regulation 2 (interpretation) is amended as follows.
- (2) In paragraph (1)—
- (a) in the definition of the “1994 Directive” at the end insert “(as it has effect immediately before exit day)”;
 - (b) after the definition of the “1996 Regulations” insert—
 ““approved body” has the meaning given to it in regulation 42;”;
 - (c) omit the definition of “accreditation certificate”;
 - (d) in the definition of “attestation of conformity”—
 - (i) omit “EU”; and
 - (ii) for “CE” substitute “UK”;
 - (e) for the definition of “authorised representative” substitute—
 ““authorised representative” means—
 - (a) a person who—
 - (i) immediately before exit day was established in the United Kingdom or an EEA state and was appointed by a manufacturer by written mandate to perform specified tasks for that manufacturer, in accordance with regulation 17 as it had effect immediately before exit day; and
 - (ii) on or after exit day continues to be so established and appointed by the manufacturer to perform those tasks; or
 - (b) a person who, on or after exit day, is appointed in accordance with regulation 17;”;
 - (f) omit the definition of “CE Marking”;
 - (g) omit the definition of “competent national authority”;
 - (h) after the definition of “conformity assessment” insert—
 ““conformity assessment activities” means any activities connected with conformity assessment including calibration, testing, certification and inspection;”;
 - (i) after the definition of “conformity assessment body” insert—
 ““conformity assessment procedure” means a procedure referred to in regulation 39 (conformity assessment procedures);
 “declaration of conformity” means a declaration of conformity required to be drawn up in accordance with regulation 7(1)(a) (declaration of conformity and UK marking);
 “designated standard” has the meaning given to it in regulation 2A;”;
 - (j) for the definition of “equipment category” substitute—
 ““equipment category” means the classification of equipment, within each equipment group, specified in Schedule 1A to these Regulations;”;

Status: This is the original version (as it was originally made).

- (k) in the definition of “equipment-group I” for “as set out in Annex I of the ATEX Directive (as amended from time to time)” substitute “as set out in Schedule 1A to these Regulations”;
 - (l) in the definition of “equipment-group II” for “as set out in Annex I of the ATEX Directive (as amended from time to time)” substitute “as set out in Schedule 1A to these Regulations”;
 - (m) omit the definition of “EU declaration of conformity”;
 - (n) omit the definition of “European Commission”;
 - (o) omit the definition of “harmonised standard”;
 - (p) for the definition of “importer” substitute—
 - ““importer” means a person who—
 - (a) is established in the United Kingdom; and
 - (b) places a product from a country outside of the United Kingdom on the market;”;
 - (q) in the definition of “make available on the market” for “EU” substitute “United Kingdom”;
 - (r) omit the definition of “national accreditation body”;
 - (s) omit the definition of “notified body requirements”;
 - (t) omit the definition of “Official Journal”;
 - (u) in the definition of “place on the market” for “EU” substitute “United Kingdom”;
 - (v) in the definition of “putting into service” omit “within the EU market”;
 - (w) after the definition of “technical specification” insert—
 - ““UK marking” means the marking in the form set out in Annex 2 of RAMS;
 - “UK national accreditation body” means the body appointed by the Secretary of State in accordance with Article 4 of RAMS.”.
- (3) After paragraph (1) insert—
- “(1A) Schedule 1A reproduces the provisions of Annex I to the ATEX Directive with amendments to correct deficiencies in retained EU law.
 - (1B) A reference to a provision of Schedule 1A is a reference to the equivalent provisions of Annex I to the ATEX Directive as set out in Schedule 1A.
 - (1C) Schedule 3A reproduces the provisions of Annexes III to IX to the ATEX Directive with amendments to correct deficiencies in retained EU law.
 - (1D) A reference to any provision of Schedule 3A is a reference to the equivalent provisions of Annex III to IX of the ATEX Directive.”.
- (4) Omit paragraph (3).
- (5) Omit paragraph (6).