

## SCHEDULE 2

### Amendment to the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001

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

(2) In regulation 2—

(a) in paragraph (1)—

(i) at the end of sub-paragraph (a) insert “ and ”;

(ii) omit sub-paragraph (b);

(b) after paragraph (1) insert—

“(1A) A reference in a Schedule to these Regulations—

(a) to “the European Union” is to be read as a reference to the relevant market;

(b) to “Community Directives” is to be read as a reference to NI Protocol obligations;

(c) to “the Notifying Member State” is to be read as a reference to the Secretary of State.”;

(c) in paragraph (2)—

(i) after the definition of “indication of the guaranteed sound power level” insert—

““NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018<sup>M1</sup> applies;”;

(ii) after the definition of “open air” insert—

““relevant market means—

(a) the market of Northern Ireland; and

(b) the markets of the EEA states;”;

(iii) in the definition of “responsible person” for “European Union” in each of the three places in which it occurs, substitute “ relevant market ”.

(3) In regulation 9(a)—

(a) in sub-paragraph (i), for “country outside the European Union” substitute “ market outside of the relevant market ”;

(b) for sub-paragraph (ii) substitute—

“(ii) is imported into the relevant market for re-export to a market outside of the relevant market.”.

(4) In the following paragraphs of regulation 11 for “directives” substitute “ NI Protocol obligations ”

(a) paragraph (3) (twice);

(b) paragraph (4) (four times).

(5) In regulation 13(b) omit “other than the United Kingdom.”.

(6) In regulation 17(2)—

(a) for “European Union” substitute “ relevant market ” (twice);

**Changes to legislation:** There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020, Paragraph 1. (See end of Document for details)

(b) in sub-paragraph (b) for “the United Kingdom” substitute “ Northern Ireland ”.

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**Commencement Information**

**I1** Sch. 2 para. 1 in force at 31.12.2020, see **reg. 1(b)**

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**Marginal Citations**

**M1** 2018 c. 16. Section 7A was inserted by section 5 of the [European Union \(Withdrawal Agreement\) Act 2020](#) (c.1).

**Changes to legislation:**

There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020, Paragraph 1.