

SCHEDULE 3

Regulation 4

Amendment to the General Product Safety Regulations 2005

- 1.—(1) The General Product Safety Regulations 2005 are amended as follows.
- (2) In regulation 2—
- (a) for the definition of “EU law” substitute—
- ““NI Protocol obligation” means any obligation created or arising 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 applies (and does not include Regulation (EC) No 765/2008 of the European Parliament and the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (as it has effect in EU law))(1);”;
- (b) omit the definition of “Member State”;
- (c) in the definition of “producer” for “Member State” substitute “relevant state” (5 times);
- (d) after the definition of “record” insert—
- ““relevant state” means—
- (a) Northern Ireland; or
- (b) any EEA state;”.
- (3) In regulation 3—
- (a) for “rules of EU law” substitute “any NI Protocol obligation” (twice);
- (b) in paragraph (2)(a) for “rules” substitute “NI Protocol obligation”.
- (4) In regulation 6(1) for “rules of EU law” substitute “any NI Protocol obligation”.
- (5) In regulation 9(1)(b)—
- (a) for “the United Kingdom” substitute “Northern Ireland”;
- (b) for “Member State” substitute “relevant state”.
- (6) In regulation 33—
- (a) at the beginning insert—
- “(A1) The Secretary of State must establish and operate a database containing information relating to market surveillance and product safety.
- (B1) The database referred to in paragraph (A1) must be designed to enable notifications by enforcement authorities under paragraphs (1), (2) or (4), to be made to the Secretary of State, through the database.”;
- (b) in paragraph (1)—
- (i) for “the same” substitute “the information contained in that notification”;
- (ii) after “Secretary of State” insert “through the database referred to in paragraph (A1)”;
- (iii) for “Member States” substitute “relevant states”;
- (c) in paragraph (2) after “Secretary of State” in the first place in which it occurs, insert “of the action taken through the database referred to in paragraph (A1)”;
- (d) in paragraph (3)—
- (i) after “market” insert “of Northern Ireland”;

(1) OJ L 218, 13.08.2008 p. 20.

Status: This is the original version (as it was originally made).

- (ii) for “EU legislation” substitute “NI Protocol obligation”;
 - (iii) for “the United Kingdom” substitute “Northern Ireland”;
 - (iv) for “Member States” substitute “relevant states”;
- (e) in paragraph (4)—
- (i) after “Secretary of State” in the first place in which it occurs insert “of the measure or action taken through the database referred to in paragraph (A1)”;
 - (ii) at the end insert “through the database referred to in paragraph (A1)”;
- (f) in paragraph (5), after “(other than a pharmaceutical product)” insert “on the market of Northern Ireland”;
- (g) in paragraph (6)—
- (i) for “the United Kingdom” substitute “Northern Ireland”;
 - (ii) for “Member States of the European Union” substitute “relevant states”
- (h) in paragraph (8) for “the United Kingdom” substitute “Northern Ireland” (twice).
- (7) In regulation 35—
- (a) in paragraph (2) after “shall” insert “in respect of Northern Ireland”;
 - (b) in paragraph (4) for “European Union” substitute “relevant states”;
- (8) In regulation 36 for “Member States” substitute “relevant states”.
- (9) In regulation 38(2) after “Regulations,” and at the end insert “in respect of Northern Ireland”.