EXPLANATORY NOTE

(This note is not part of the Regulations)

The Protocol on Ireland/Northern Ireland in the withdrawal agreement ("the Protocol") requires that the EU legislation listed in Annex 2 to that Protocol is implemented in Northern Ireland. It also requires that where bodies or authorities based in the United Kingdom are involved in assessments or authorisations and they undertake those assessments or authorisations for products placed on the market in Northern Ireland, any conformity or similar marking must be accompanied by the indication "UK(NI)". Part 2 of these Regulations (regulation 3 and Schedule 1) set out the form of the UK(NI) indication.

Part 3 of these Regulations (regulation 4 and Schedule 2) amends legislation that implements some of the EU legislation listed in Annex 2 to the Protocol, in respect of Northern Ireland to make clear when the UK(NI) indication must be affixed and how and where it must be affixed. It also provides for the penalty when the UK(NI) is not affixed or where it is incorrectly affixed.

Part 4 of these Regulations (regulation 5 and Schedule 3) amends the Product Safety and Metrology etc. (Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) ("the 2019 Regulations"), which themselves amend (with effect from IP completion day) a number of pieces of legislation with respect to Great Britain to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. Part 4 of these Regulations is made in part in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) (in particular paragraphs (c), (d), (e) and (g) of section 8(2) and paragraph (a) of section 8(3) of that Act). The majority of the amendments made by the 2019 Regulations extend to Great Britain only (leaving the legislation amended by the 2019 Regulations as it is in respect of Northern Ireland, thereby implementing the legislation listed in Annex 2 to the Protocol). The amendments made by Part 4 of these Regulations similarly extend to Great Britain only. The deficiencies corrected by Part 4 include providing for the expiry of provisions that were introduced by the 2019 Regulations allowing unilateral recognition of products that meet EU requirements and changing the requirement as to where authorised representatives of manufacturers can be based.

Parts 5 to 7 amend other pieces of legislation to make clear that from IP completion day authorised representatives must be based in the United Kingdom, with respect to any products placed on the market of Great Britain.

The Protocol also provides that nothing in the Protocol prevents the United Kingdom from ensuring unfettered market access for goods moving from Northern Ireland to other parts of the United Kingdom's internal market. Part 4 of these Regulations make provision for qualifying Northern Ireland goods to be able to be placed on the market of Great Britain.

The analysis developed to inform this instrument demonstrated that there are limited/ negligible additional costs to business associated with the specific provisions made in this instrument. There is no, or no significant, impact on charities, voluntary bodies or the public sector.