
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 is made in order to implement the following mutual recognition agreements (the “MRAs”) signed as a result of the withdrawal of the UK from the European Union—

- (a) the Agreement on mutual recognition in relation to conformity assessment, certificates and markings between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia, copies of which may be downloaded from <https://www.gov.uk/government/publications/cs-australia-no22019-ukaustralia-agreement-on-mutual-recognition-in-relation-to-conformity-assessment-certificates-and-markings>;
- (b) the Agreement on mutual recognition in relation to conformity assessment between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand, copies of which may be downloaded from <https://www.gov.uk/government/publications/cs-new-zealand-no22019-uknew-zealand-agreement-on-mutual-recognition-in-relation-to-conformity-assessment>;
- (c) the Agreement on mutual recognition between the Government of the United Kingdom of Great Britain and Northern Ireland and the United States of America, copies of which may be downloaded from <https://www.gov.uk/government/publications/cs-usa-no52019-ukusa-agreement-on-mutual-recognition>;
- (d) Annex 2-B to the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Korea, copies of which may be downloaded from <https://www.gov.uk/government/publications/ukkorea-free-trade-agreement-with-exchange-of-notes-cs-korea-no12019>;
- (e) the Protocol on mutual recognition of conformity assessment to the Agreement between the United Kingdom of Great Britain and Northern Ireland and Japan for a Comprehensive Economic Partnership, copies of which may be downloaded from <https://www.gov.uk/government/publications/ukjapan-agreement-for-a-comprehensive-economic-partnership-cs-japan-no12020>;
- (f) the Protocol on the mutual acceptance of the results of conformity assessment to the Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada (the “Canadian MRA”), copies of which may be downloaded from <https://www.gov.uk/government/publications/ukcanada-agreement-on-trade-continuity-cs-canada-no12020>.

The MRAs are signed with countries with which the European Union has existing mutual recognition agreements. The MRAs require the UK to accept conformity assessment procedures performed and conformity assessment results issued by conformity assessment bodies designated by the other country which is a signatory to the MRA, in respect of certain products, processes or services. The conformity assessment result or conformity assessment procedure may confirm that the product, process or service concerned complies with the requirements of the legislation which applies to that product, process or service, as listed in Schedule 1. Regulation 4(2) requires the UK to accept that conformity assessment result or conformity assessment procedure as if it were issued or performed by an approved body for the purposes of the legislation listed in Schedule 1. To the extent that these Regulations contain provision in the areas of the protection of human or animal life or health

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or environmental protection, the provision is consistent with maintaining UK levels of statutory protection in that area.

Regulation 5 provides that the Secretary of State may assign an identification number to the conformity assessment body designated by the other Party to the MRA and compile and maintain a public register of the MRA bodies and, pursuant to the Canadian MRA, a public register of accreditation bodies established in Canada and recognised by the UK as competent to accredit conformity assessment bodies in relation to any of the Regulations listed in Schedule 1 (except those specified in paragraph 8).

Regulations 4 and 5 extend to England and Wales and Scotland only (regulation 2(1)). Northern Ireland will continue to recognise mutual recognition agreements signed by the European Union in accordance with the Conformity Assessment (Mutual Recognition Agreement) Regulations 2019 (S.I. 2019/392).

Regulation 6 provides that the Secretary of State may designate conformity assessment bodies for the purpose of assessing conformity assessment procedures against the legislative, regulatory and administrative requirements of the other party to the MRA in respect of the annexes and appendices to the MRAs listed in Schedule 2. Regulations 6(2) to 6(9) set out what is involved in that designation and regulation 6(10) provides that certain functions involved in designation may be carried out by the United Kingdom Accreditation Service.

Regulation 7 provides that the Secretary of State, or a person authorised to act on behalf of the Secretary of State, may disclose information to the other Party to an MRA as required under that MRA.

Part 3 extends to England and Wales and Scotland only (regulation 2(1)) and implements Annex 2-D to the Agreement between the United Kingdom of Great Britain and Northern Ireland and Japan for a Comprehensive Economic Partnership (the “UK-Japan CEPA”). Regulation 8 provides that pre-packed single distilled shochu, a spirit drink which is single distilled, produced by pot still and bottled in Japan, may be placed on the market in Great Britain in 720 ml, 900 ml and 1800 ml containers. Regulation 9 omits Article 24a of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89, which implements the commitment in the Agreement between the European Union and Japan for an Economic Partnership to allow single distilled shochu to be placed on the EU market in quantities of 720 ml and 1800 ml, since that provision is redundant following amendments made by regulation 8.

Hard copies of the MRAs and the UK-Japan CEPA may be obtained upon request from the Regulatory Environment Team, Department for International Trade, King Charles Street, Whitehall, London, SW1A 2AH, United Kingdom.

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