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S T A T U T O R Y I N S T R U M E N T S

2022 No. 1400

CONSUMER PROTECTION

ELECTROMAGNETIC COMPATIBILITY

ENVIRONMENTAL PROTECTION

HEALTH AND SAFETY

TELECOMMUNICATIONS

WEIGHTS AND MEASURES

**The Conformity Assessment (Mutual Recognition Agreements)
(Amendment) Regulations 2022**

Made - - - - 22nd December 2022

Coming into force - - 23rd December 2022

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2(1), 2(9)(b) and (c) and 4(1)(a) and (b) of the Trade Act 2021(a).

In accordance with paragraph 4(1) of Schedule 2 to the Trade Act 2021 a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Conformity Assessment (Mutual Recognition Agreements) (Amendment) Regulations 2022 and come into force the day after the day on which these Regulations are made.

Extent

2.—(1) Subject to paragraph (2), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(a) 2021 c. 10. See section 5(1) of the Trade Act 2021 for the definition of “appropriate authority”.

(2) Regulation 5 extends to England and Wales and Scotland only.

Amendment of the Conformity Assessment (Mutual Recognition Agreements) and Weights and Measures (Intoxicating Liquor) (Amendment) Regulations 2021

3. The Conformity Assessment (Mutual Recognition Agreements) and Weights and Measures (Intoxicating Liquor) (Amendment) Regulations 2021(a) are amended in accordance with regulations 4 to 7.

4. In regulation 3 (interpretation)—

(a) before paragraph (a), insert—

“(za) “the 2009 Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(b);”;

(b) after paragraph (b), insert—

“(ba) “appointed body” has the meaning given in regulation 2(5) of the 2009 Regulations;”;

(c) in paragraph (h)—

(i) after sub-paragraph (v), omit “or”;

(ii) after sub-paragraph (vi), insert—

“or

(vii) the Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on mutual recognition in relation to conformity assessment;”.

5. In regulation 4(2) (recognition of conformity assessment), for “by an approved body.” substitute—

“by—

(a) an approved body, for the purposes of the specified Regulations other than the 2009 Regulations; or

(b) an appointed body, for the purposes of the 2009 Regulations.”.

6. In Schedule 1 (specified Regulations)—

(a) after paragraph 2, insert—

“2A. The 2009 Regulations.”;

(b) after paragraph 7, insert—

“7A. The Non-automatic Weighing Instruments Regulations 2016(c).”.

7. In Schedule 2 (annexes and appendices to the MRAs), at the end insert—

“For the Swiss MRA

12. Annex I (Product sectors).”.

(a) S.I. 2021/730, as amended by S.I. 2021/1332.

(b) S.I. 2009/1348; they were made for a purpose mentioned in section 2(2)(a) of the European Communities Act 1972 (c. 68) and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018 (c. 16); they were amended by S.I. 2020/1111 and 2021/1370; there are other amending instruments but none is relevant. The term “appointed body” was introduced into the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 with effect from IP completion day by S.I. 2020/1111.

(c) S.I. 2016/1152; they were made in part under section 2(2)(a) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended by S.I. 2019/5, 2019/696, 2020/1460 and 2021/1273; there are other amending instruments but none is relevant.

22nd December 2022

Kevin Hollinrake
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on mutual recognition in relation to conformity assessment (“the Swiss MRA”), copies of which may be downloaded from <https://www.gov.uk/guidance/uk-switzerland-mutual-recognition-agreement>. Switzerland has a mutual recognition agreement with the European Union, which was in effect immediately before exit day.

These Regulations amend the Conformity Assessment (Mutual Recognition Agreements) and Weights and Measures (Intoxicating Liquor) (Amendment) Regulations 2021 (“the 2021 Regulations”), to add the Swiss MRA to the mutual recognition agreements covered by Part 2 of the 2021 Regulations (provisions in respect of MRAs) (see regulation 4). The Swiss MRA requires the UK to accept conformity assessment procedures performed and conformity assessment results issued by conformity assessment bodies designated by Switzerland, in respect of certain products. The conformity assessment result or conformity assessment procedure may confirm that the product concerned complies with the requirements of the legislation which applies to that product, as listed in Schedule 1 to the 2021 Regulations. Regulation 6 amends that Schedule to add additional legislation covered by the Swiss MRA. Regulation 4 of the 2021 Regulations provides that where an MRA requires the UK to accept a conformity assessment result or conformity assessment procedure by a body designated by the other Party to the MRA, that conformity assessment result or procedure should be treated as if it were issued or performed by an approved body. Regulation 5 of these Regulations amends regulation 4(2) of the 2021 Regulations to add a reference to appointed bodies, which is the term used for conformity assessment bodies in relevant additional legislation covered by the Swiss MRA. To the extent that these Regulations contain provision in the areas of protection of human or animal life or health or environmental protection, the provision is consistent with maintaining UK levels of statutory protection in that area.

Regulation 7 amends Schedule 2 to the 2021 Regulations, to include reference to the annex on product sectors to the Swiss MRA. This will mean that, by virtue of regulation 6 of the 2021 Regulations, 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 Switzerland in respect of that annex. Certain functions involved in designation may be carried out by the United Kingdom Accreditation Service.

A hard copy of the Swiss MRA 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 or voluntary sector or community bodies is foreseen. An Explanatory Memorandum is available alongside the instrument on the UK legislation website, www.legislation.gov.uk.

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