



Text of the measure (illustrative): Statutory Instrument (SI) Amendment

The SI will change the reference from a 12-month period of continued acceptance of the CE mark to 24 months and to change the reference to 24 months to 36 months for the labelling/accompanying document easement. This will apply across all relevant legislation listed here and also at annex A.

STATUTORY INSTRUMENTS

2021 No.

EXITING THE EUROPEAN UNION

CONSUMER PROTECTION

HEALTH AND SAFETY

The Product Safety and Metrology (Amendment) (EU Exit) Regulations 2021

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		<i>12th October 2021</i>
<i>Coming into force</i>	- -	<i>13th December 2021</i>

Extension of transitional provisions

1. In the provisions listed in Schedule 1, for “12 months” substitute “24 months”.
2. In the provisions listed in Schedule 2 for “24 months” substitute “36 months”.

SCHEDULE 1

Regulation 1

3. The provisions referred to in regulation 1 are as follows—

- (a) regulation 7B(1) of the Measuring Container Bottle (EEC Requirements) Regulations 1977(a);

(a) S.I. 1977/932; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.



- (b) regulation 12B(1) of the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001**(b)**;
- (c) regulation 12B(1) of the Supply of Machinery (Safety) Regulations 2008**(c)**;
- (d) regulation 5A(3)(aa) of the Aerosol Dispensers Regulations 2009**(d)**;
- (e) regulation 39AA(1) of the Toys (Safety) Regulations 2011**(e)**;
- (f) regulation 64C(1) and (3) of the Explosives Regulations 2014**(f)**;
- (g) regulation 38E(1) of the Pyrotechnic Articles (Safety) Regulations 2015**(g)**;
- (h) regulation 38B(1) of the Electromagnetic Compatibility Regulations 2016**(h)**;
- (i) regulation 38C(1) and (3) of the Simple Pressure Vessels (Safety) Regulations 2016**(i)**;
- (j) regulation 45(1) and (3) of the Lifts Regulations 2016**(j)**;
- (k) regulation 34B(1) of the Electrical Equipment (Safety) Regulations 2016**(k)**;
- (l) regulation 39C(1) and (3) of the Pressure Equipment (Safety) Regulations 2016**(l)**;
- (m) regulation 36C(1) and (3) of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016**(m)**;
- (n) regulation 32C(1) and (3) of the Non-automatic Weighing Instruments Regulations 2016**(n)**;
- (o) regulation 33C(1) and (3) of the Measuring Instruments Regulations 2016**(o)**;
- (p) regulation 40C(1) and (3) of the Recreational Craft Regulations 2017**(p)**;
- (q) regulation 36B(1) of the Radio Equipment Regulations 2017**(q)**;
- (r) regulation 2C(1) and (3) of the Personal Protective Equipment (Enforcement) Regulations 2018**(r)**;
- (s) regulation 20C(1) of the Ecodesign for Energy-Related Products Regulations 2010**(s)**;
- (t) regulation 2C(1) and (3) of Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018**(t)**;
- (u) regulation 34B(1) of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012**(u)**.

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- (b) S.I. 2001/1701; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (c) S.I. 2008/1597; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (d) S.I. 2009/2824; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (e) S.I. 2011/1881; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (f) S.I. 2014/1638; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (g) S.I. 2015/1553; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (h) S.I. 2016/1091; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (i) S.I. 2016/1092; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (j) S.I. 2016/1093; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (k) S.I. 2016/1101; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (l) S.I. 2016/1105; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (m) S.I. 2016/1107; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (n) S.I. 2016/1152; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (o) S.I. 2016/1153; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (p) S.I. 2017/737; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (q) S.I. 2017/1206; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (r) S.I. 2018/390; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (s) S.I. 2010/2617; relevant amending instruments are S.I. 2019/539, S.I. 2020/1528.
 - (t) S.I. 2018/389; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.
 - (u) S.I. 2012/3032, amended by S.I. 2019/188 and 2020/1647; there are other amending instruments but none is relevant.

SCHEDULE 2

Regulation 2

4. The provisions referred to in regulation 2 are as follows—

- (a) regulation 5(2A) of the Measuring Container Bottles (EEC Requirements) Regulations 1977;
- (b) regulation 7(2B) of the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001;
- (c) regulation 7(2A) of the Supply of Machinery (Safety) Regulations 2008;
- (d) regulation 3(1A) of the Aerosol Dispensers Regulations 2009;
- (e) regulation 18(3A) of the Toys (Safety) Regulations 2011;
- (f) regulation 68(1A) of the Explosives Regulations 2014;
- (g) regulation 42(1A) of the Pyrotechnic Articles (Safety) Regulations 2015;
- (h) regulation 42(1A) of the Electromagnetic Compatibility Regulations 2016;
- (i) regulation 6(1A) of the Simple Pressure Vessels (Safety) Regulations 2016;
- (j) regulation 50(1A) of the Lifts Regulations 2016;
- (k) regulation 39(1A) of the Electrical Equipment (Safety) Regulations 2016;
- (l) regulation 49(1A) of the Pressure Equipment (Safety) Regulations 2016;
- (m) regulation 41(1A) of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016;
- (n) regulation 6(2) of the Non-automatic Weighing Instruments Regulations 2016;
- (o) regulation 7(2) of the Measuring Instruments Regulations 2016;
- (p) regulation 54(1A) of the Recreational Craft Regulations 2017;
- (q) regulation 44(1A) and (2A) of the Radio Equipment Regulations 2017;
- (r) Article 17(1A) of Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC(v);
- (s) Article 17(1A) of Regulation (EU) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC(w);
- (t) regulation 16(2A) of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 in regulation 16(2A).

(v) OJ No. L 81, 31.3.2016, p. 51; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.

(w) OJ No. L 81, 31.3.2016, p. 99; relevant amending instruments are S.I. 2019/696, as that instrument was itself amended by S.I. 2020/1460.

Annex A: List of UK regulations that will be amended

1. Measuring Container Bottles (EEC Requirements) Regulations 1977
<https://www.legislation.gov.uk/uksi/1977/932/contents/made>
2. Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001
<https://www.legislation.gov.uk/uksi/2001/1701/contents/made>
3. Supply of Machinery (Safety) Regulations 2008
<https://www.legislation.gov.uk/uksi/2008/1597/contents/made>
4. Aerosol Dispensers Regulations 2009
<https://www.legislation.gov.uk/uksi/2009/2824/contents>
5. Toys (Safety) Regulations 2011
<https://www.legislation.gov.uk/uksi/2011/1881/contents/made>
6. Explosives Regulations 2014
<https://www.legislation.gov.uk/uksi/2014/1638/made>
7. Pyrotechnic Articles (Safety) Regulations 2015
<https://www.legislation.gov.uk/uksi/2015/1553/contents/made>
8. Electromagnetic Compatibility Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1091/contents>
9. Simple Pressure Vessels (Safety) Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1092/contents>
10. Lifts Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1093/contents>
11. Electrical Equipment (Safety) Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1101/contents>
12. Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1107/contents/made>
13. Non-automatic Weighing Instruments Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1152/made>
14. Measuring Instruments Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1153/contents/made>
15. Recreational Craft Regulations 2017
<https://www.legislation.gov.uk/uksi/2017/737/contents/made>
16. Radio Equipment Regulations 2017
<https://www.legislation.gov.uk/uksi/2017/1206/contents/made>



Committee on Technical Barriers to Trade

Original Language: English

17. Personal Protective Equipment (Enforcement) Regulations 2018
<https://www.legislation.gov.uk/uksi/2018/390/contents/made>
18. Ecodesign for Energy-related Products Regulations 2010
<https://www.legislation.gov.uk/uksi/2010/2617/contents/made>
19. The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012
<https://www.legislation.gov.uk/uksi/2012/3032/contents/made>
20. Pressure Equipment (Safety) Regulations 2016
<https://www.legislation.gov.uk/uksi/2016/1105/contents>
21. Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC
<https://www.legislation.gov.uk/eur/2016/425/body>
22. Regulation (EU) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC
<https://www.legislation.gov.uk/eur/2016/426/body>
23. Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018
<https://www.legislation.gov.uk/uksi/2018/389/contents>



Annex B: Draft SI Amendments – tracked changes

Below is a tracked change version of the Simple Pressure Vessels (Safety) Regulations 2016 legislation as an example.

SHOWING REGS 6 AND 38C AS THEY APPLY IN GREAT BRITAIN - FOR ILLUSTRATIVE PURPOSES ONLY

Simple Pressure Vessels (Safety) Regulations 2016/1092

Preamble

Made: 15 November 2016

Laid before Parliament: 16 November 2016

Coming into force: 08 December 2016

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to safety as regards simple pressure vessels.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, that Act.

6.— Declaration of conformity, UK marking and inscriptions for category A vessels

(1) Where the conformity of a category A vessel with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing that vessel on the market, a manufacturer must—

- (a) draw up a declaration of conformity in accordance with regulation 43; and
- (b) affix the information set out in paragraph (1B) to—
 - (i) the vessel;
 - (ii) its data plate; or
 - (iii) where paragraph (1A) applies—

(aa) to a label affixed to the vessel; or

(bb) in a document accompanying the vessel;

(1A) This paragraph applies to a vessel that is placed on the market within a period of 36 months ~~24 months~~ beginning with IP completion day.

(1B) The information referred to in paragraph (1)(b) is—

(a) the UK marking;

(b) the last two digits of the year in which the UK marking is affixed;

(c) the inscriptions.

(2) Where a data plate is used, it must be so designed that it cannot be reused and must include a vacant space to enable other information to be provided.

(3) The information referred to in paragraph (1)(b) must be visible, legible and indelible.

(4) The manufacturer must keep the declaration of conformity up-to-date.

(5) Where a category A vessel is subject to more than one enactment requiring the drawing up of a declaration of conformity, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.



38C.— Expiry of regulations 38A and 38B

(1) Subject to paragraph (2), regulation 38A ceases to have effect at the end of the period of 24 months ~~12 months~~ beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 38A—

(a) any vessel which was placed on the market pursuant to regulation 38A may continue to be made available on the market after the expiry of regulation 38A;

(b) any obligation to which a person was subject under regulation 38A in respect of a vessel placed on the market pursuant to regulation 38A continues to have effect after the expiry of regulation 38A, in respect of that vessel.

(3) Subject to paragraph (4), regulation 38B ceases to have effect at the end of the period of 24 months ~~12 months~~ beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 38B in relation to a vessel prior to the expiry of regulation 38B, regulation 38B continues to apply in respect of that vessel where—

(a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;

(b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

(c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) "*EU-Type examination certificate*" means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in point 1 of Annex II of the Directive.