

# **Regulatory Alert**

## **Global Environmental and Chemical Regulations, Policies, and Standards**

**Alert 25**



## The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022

Region: Great Britain (England and Wales and Scotland)

### WHY IS THIS ALERT IMPORTANT?

If your company places products on the market in Great Britain (England, Wales, and Scotland), you are legally obligated to comply with the [United Kingdom \(UK\) Conformity Assessed marking \(UKCA\)](#) requirements that became mandatory with the coming into force of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (published on 27 March 2019). Such products are covered in the Product Safety and Metrology Regulations; hence, this Regulatory Alert will provide you with important changes to the Regulations.

For all products covered by these Regulations, non-compliance with the conformity requirements may lead to their removal from circulation until the requirements are met and violators may be subject to additional penalties including fines.

### INTENDED AUDIENCE

This Regulatory Alert is intended for IAEG members and their suppliers who manufacture or handle products covered by the Regulations in Great Britain.

### BACKGROUND ON REGULATION

The UK Conformity Assessed (UKCA) marking is a UK product marking that is used for goods being placed on the market in Great Britain. [Product areas covered by the UKCA marking](#) include but are not limited to the following:

- » aerosols
- » ecodesign
- » low voltage electrical equipment
- » pressure equipment
- » personal protective equipment (PPE)
- » gas appliances
- » radio equipment

The UKCA marking applies to most products eligible for [CE marking](#) (this is the marking for the European Union [EU]) in order to provide continuity and certainty for businesses and maintain consumer confidence in the safety and accuracy of the relevant products. However, some products covered by the UKCA marking have some special rules. Examples of such products include but are not limited to the following:

- » [hazardous substances](#)
- » [marine equipment](#)
- » [cableways](#)
- » [transportable pressure equipment](#)

The UKCA marking became statutory in Great Britain on the EU exit day (31 December 2020) with the coming into force of "[The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)," which was published on 27 March 2019.

[The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#), which entered into force on 1 January 2021, amended some EU legislation related to product safety and metrology, enforcing the UKCA marking in order to ensure mandatory product compliance with the UK legislation following the EU exit. The EU Exit Regulation also allows businesses to place [qualifying Northern Ireland goods](#) on the market in Great Britain based on the conformity markings used in Northern Ireland. Northern Island continues to use EU conformity markings to mark products as meeting EU standards. [Qualifying Northern Ireland goods](#) are goods that are not under a customs procedure or in an authorized temporary storage facility before they can be moved from Northern Ireland to Great Britain. Qualifying Northern Ireland goods are in free circulation in Northern Island.

In general, the EU Exit Regulations 2019 did not significantly change the product safety landscape. Essentially, it announced the EU Exit, amended some EU legislation related to product safety and metrology, which was necessary to ensure that the UK could continue to enforce mandatory product compliance following the EU exit, and announced the subsequent requirement for the use of UKCA marking, as well as the transition period.

## What's New

Pursuant to [section 8\(1\) of the European Union \(Withdrawal\) Act 2018](#), "[The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#)" were made on 21 December 2022, entered into force on 31 December 2022, and apply to England, Wales and Scotland. The purpose of these Regulations is to provide businesses with additional time to transition to the post-exit, independent UKCA marking regime requirements, in order to legally place products on the market in Great Britain. Additionally, other minor miscellaneous deficiencies in individual product regulations were corrected. The following are the main changes:

- » **Completed conformity assessment activities for CE marking validity:**  
The amendments include the recognition of goods meeting EU requirements and markings until 31 December 2024. Therefore, completed conformity assessment activities for CE marking undertaken before the end of 2024 will be valid for manufacturers to use as a basis for UKCA, for the duration of the certificate issued or until 31 December 2027 (whichever is shorter). New product introductions to the Great Britain market after 31 December 2024 must comply with the UKCA requirements.
- » **UKCA marking to be added to product label:**  
The amendments also extend the valid date for [importer information](#) and the Great Britain conformity marking (generally UKCA) to be added to products using a label or accompanying document, rather than being physically marked on the product itself, to 31 December 2027.
- » **The list of affected Regulations includes but is not limited to the following:**
  - [Aerosol Dispensers Regulations 2009](#)
  - [Ecodesign for Energy-Related Products Regulations 2010](#)

- [Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012](#)
- [Explosives Regulations 2014](#)
- [Pyrotechnic Articles \(Safety\) Regulations 2015](#)
- [Electrical Equipment \(Safety\) Regulations 2016](#)
- [Pressure Equipment \(Safety\) Regulations 2016](#)
- [The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016](#)
- [The Measuring Instruments Regulations 2016](#)
- [The Radio Equipment Regulations 2017](#)
- [The Personal Protective Equipment \(Enforcement\) Regulations 2018](#)
- [Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018](#)
- [Regulation \(EU\) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC](#)
- [Regulation \(EU\) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC](#)

A full list of the affected Regulations can be accessed in the Schedule to the [Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#).

## RELEVANT DATES

- » In force [The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022]: 31 December 2022
- » Deadline for the use of CE marking: 31 December 2024 (or until the end of the issued CE marking certificate)
- » UKCA marking mandatory on new products label: 31 December 2027

## REGULATORY OBLIGATIONS

- » The products covered by the above Regulations (e.g., the measuring instruments regulations 2016, the radio equipment regulations 2017, pressure equipment (safety) regulations 2016, etc.) must bear a UKCA marking if manufactured or handled after 31 December 2024 in Great Britain. This also means that businesses can continue to use the CE marking and reversed epsilon marking on the Great Britain market until 31 December 2024.
- » Manufacturers must check the relevant product-specific Regulation(s) applicable to their products in order to understand their full obligations. This is due to the fact that there are specific obligations for manufacturers for certain product Regulations e.g. [machinery](#) and [measuring instruments](#).
- » Products imported from the European Economic Area (EEA) or Switzerland on 31 December 2027 must contain the importer's details in an accompanying document or on the product's packaging and not on the product itself. This requirement applies but is not limited to the above-listed Regulations.

To access more detailed and updated UKCA marking obligations, please refer to the provided [UKCA marking: roles and responsibilities](#) link.

## RISKS TO AEROSPACE AND DEFENSE

Penalties for non-compliance include the removal of such products from circulation until the requirements are met. Furthermore, depending on the Regulation a product is covered by, there may be additional penalties such as fines and/or imprisonment.

## USEFUL LINKS

[UK Product Safety and Metrology – What’s changed from 1 January 2021 in relation to Great Britain?](#)

[The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#)

[UKCA marking: roles and responsibilities](#)

[The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)

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