NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** United Kingdom  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:** The Department for Business, Energy and Industrial Strategy  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  UK TBT Enquiry Point Trade Policy Group Department for International Trade Old Admiralty Building London SW1A 2DY [TBTEnquiriesUK@trade.gov.uk](mailto:TBTEnquiriesUK@trade.gov.uk) |
| **3.** | **Notified under Article 2.9.2 [****],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****X],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Products in scope can range from machinery goods and electronic devices to recreational craft, lifts, pressure equipment, and personal protective equipment among other product types covered by the European conformity marking (CE mark in most cases but also reversed epsilon). Such products are included within, but are not limited to, the following HS codes: 36, 39, 42, 63, 64, 65, 70, 73, 76, 84, 85, 86, 87, 88, 89, 90, 91, 94, 95, 96. More detail on product coverage can be found in the relevant legislation outlined in annex A of the document accompanying this notification. |
| **5.** | **Title, number of pages and language(s) of the notified document:** The Product Safety and Metrology (Amendment) (EU Exit) Regulations 2021. |
| **6.** | **Description of content:** This measure extends the UK's acceptance of products meeting EU requirements and marking for a further year (until 1 January 2023), for most goods covered by the new UK marking and conformity assessment regime (the UKCA marking) which are being placed on the market in Great Britain (separate rules apply in Northern Ireland). This measure also extends the time in which the UKCA marking itself can be affixed using a label or accompanying document, rather than being placed directly on the product itself, by a further 12 months (until 1 January 2024). |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** In 2020, the UK government introduced legislation which set up the UKCA system but provided for a transitional arrangement to continue accepting EU product requirements until 1 January 2022, for most goods covered by the new UKCA marking regime, to support businesses in the transition following the UK's withdrawal from the EU. Due to the challenges businesses have faced due to COVID-19, and the need for further measures to improve conformity assessment body capacity in the UK, we have introduced a further amendment to UK legislation which includes a one-off extension to the acceptance of EU product requirements.  We are also extending the time in which the [UKCA marking](https://www.gov.uk/guidance/using-the-ukca-marking) can be affixed to certain products using a label or accompanying document, for a further 12 months. This will ensure businesses have sufficient time to fully comply, by providing them with a 12-month period of flexibility after the new standstill end date. We are introducing this trade facilitating measure to ensure goods can continue to circulate in the UK market safely and in compliance with UK requirements, and to avoid potential economic disruption on 1 January 2022. We are notifying now to provide some time for comments ahead of the date of laying before Parliament in early October. Once we lay appropriate legislation, we expect there will be 3-6 weeks before coming into force. We are notifying and publishing this measure to address urgent problems of public safety and national security, as per articles 2.10.1, 2.12, 5.7.1, and 5.9 of the WTO TBT Agreement:   * **public safety** - non-compliant but otherwise safe goods may be placed on the UK market after 1 January 2022 due to potential difficulties getting the UKCA marking resulting from conformity assessment body capacity challenges, causing market surveillance problems; or there may be shortages of goods where UKCA marking cannot be accessed. * **public health** - there is a risk of disruption to goods used in the health service, such as PPE. * **national security** - many goods covered by the UKCA regime are used in critical national infrastructure and key industries such as the automotive sector.   In addition, it is useful to note that these measures provide for continuity of existing arrangements as this is a trade liberalising, rather than restrictive measure, and it provides continuity as opposed to introducing changes or restrictions for industry to adapt to.; National security requirements; Protection of human health or safety |
| **8.** | **Relevant documents:** The effect of the measure is the same as introduced by [the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019](https://www.legislation.gov.uk/uksi/2019/696/contents/made) on accepting CE marked goods and the reversed epsilon (such as for aerosol dispensers), and on UKCA labelling arrangements across the wide array of goods covered by the regulations listed in Annex A of the document accompanying this notification.  Link to announcement: <https://www.gov.uk/government/news/businesses-given-more-time-to-apply-new-product-safety-marking> |
| **9.** | **Proposed date of adoption:** The instrument is planned to be adopted between 29 November and 13 December 2021.  **Proposed date of entry into force:** The instrument will come into force between 29 November and 13 December. It will not practically have effect until 1 January 2022 (to deliver the extension). |
| **10.** | **Final date for comments:** 12 October 2021 |
| **11.** | **Texts available from: National enquiry point [****X]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  UK TBT Enquiry Point Trade Policy Group Department for International Trade Old Admiralty Building London SW1A 2DY [TBTEnquiriesUK@trade.gov.uk](mailto:TBTEnquiriesUK@trade.gov.uk)  <https://members.wto.org/crnattachments/2021/TBT/GBR/21_5387_00_e.pdf> |