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], 3.2 [****], 7.2 [****],** **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 electronics 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 (Amendment) Regulations 2022.; (8 page(s), in English) |
| **6.** | **Description of content:** This measure will allow completed conformity assessment activities for CE marking undertaken before the end of 2022 to 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). It will also allow ongoing activities related to that completed conformity assessment activity (e.g. annual inspections) to continue for the duration of the certificate issued or until 31 December 2027 (whichever is shorter).  The measure will also extend current legislation allowing 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, until 31 December 2025. |
| **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 products which fulfilled EU requirements until 11pm on 31 December 2021, for most goods covered by the new UKCA marking regime, to support businesses in the transition following the UK's withdrawal from the EU. It also provided that, until 31 December 2022, importer information can be added to certain products using an accompanying document.  Due to the challenges businesses have faced as a result of COVID-19, and the need for further measures to improve conformity assessment capacity in the UK, the UK Government introduced a further amendment to UK legislation in 2021 which included an extension to the acceptance of EU product requirements for a further 12 months, as well as an extension of 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, until 31 December 2023. This amendment was notified to the WTO TBT Committee on 25 August 2021 in notification G/TBT/N/GBR/42.  The UK Government will be introducing legislation to reduce conformity assessment re-testing and re-certifying costs, and to extend existing labelling easements. We are introducing these trade facilitating measures to ensure goods can continue to circulate on the market in Great Britain (GB) safely, and in compliance with GB requirements, and to avoid potential economic disruption from 1 January 2023, when recognition of the EU's CE mark will have ceased for most product sectors.  We are notifying now to provide some time for comments ahead of the date of laying legislation before Parliament (expected in autumn 2022).  We expect that the legislation will come into force at 11pm on 31 December 2022.  We are notifying and publishing these measures to address urgent problems of public safety and national security, as per articles 2.10.1, 5.7.1 and 5.9 of the WTO TBT Agreement:  **•** *public safety* - non-compliant but otherwise safe goods may be prevented from being placed on the GB market from 1 January 2023 due to potential difficulties getting the UKCA marking resulting from conformity assessment body capacity challenges and costs for businesses; or there may be shortages of goods where the UKCA marking cannot be accessed.  **•** *national security*- many goods covered by the UKCA regime are used in critical national infrastructure and key industries.  In addition, it is useful to note that these measures are trade liberalising, rather than restrictive measures, and are transitional and time-limited in nature. ; National security requirements; Protection of human health or safety |
| **8.** | **Relevant documents:**  The effect of the importer information and UKCA labelling 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) as amended by [the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020](https://www.legislation.gov.uk/uksi/2020/1460/contents); and [the Product Safety and Metrology etc. (Amendment) Regulations 2021](https://www.legislation.gov.uk/uksi/2021/1273/contents/made) 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/government-to-make-it-simpler-for-businesses-to-apply-new-product-safety-markings](https://www.gov.uk/government/news/government-to-make-it-simpler-for-businesses-to-apply-new-product-safety-markings%20%20)  Guidance: [Using the UKCA marking](https://www.gov.uk/guidance/using-the-ukca-marking)  The document accompanying this notification includes:  The text of the measure  The list of regulations covered by this measure (Annex A)  An example amendment in tracked changes (Annex B) |
| **9.** | **Proposed date of adoption:** The instrument is planned to be adopted between 22 September and 14 December 2022.  **Proposed date of entry into force:** 11pm on 31 December 2022. |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [****]** **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/2022/TBT/GBR/22_4242_00_e.pdf> |