

Draft Regulations laid before Parliament under paragraph 5(1) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No.

CONSUMER PROTECTION

ELECTROMAGNETIC COMPATIBILITY

HEALTH AND SAFETY

TELECOMMUNICATIONS

WEIGHTS AND MEASURES

ENERGY CONSERVATION

ENVIRONMENTAL PROTECTION

**The Product Safety and Metrology etc (Amendment) (Marking
and Labelling) Regulations 2024**

Made - - - -

Coming into force - -

31st January 2025

The Secretary of State makes these Regulations in exercise of the powers conferred by section 14(1), (2) and (3) and section 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023(a) (“the 2023 Act”).

The Secretary of State is a relevant national authority for the purposes of section 14(1), (2) and (3) of the 2023 Act(b).

In accordance with paragraph 5(1) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

(a) 2023 c.28.

(b) The term “relevant national authority” is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Product Safety and Metrology etc (Amendment) (Marking and Labelling) Regulations 2024.

- (2) These Regulations come into force on 31 January 2025.
- (3) These Regulations extend to England and Wales and Scotland.

Amendment of the Radio Equipment Regulations 2017

2.—(1) The Radio Equipment Regulations 2017(a), as they apply in relation to England and Wales and Scotland, are amended as follows.

(2) In regulation 2(1) (interpretation and application), after the definition of “designated standard” insert—

““digital link” has the meaning given to it by regulation 10(4);”.

(3) For regulation 10 substitute—

“Declaration of conformity and UK marking

10—(1) Where the compliance of radio equipment with the essential requirements has been demonstrated by a relevant conformity assessment procedure, the manufacturer must, before placing the radio equipment on the market—

- (a) draw up a declaration of conformity in accordance with regulation 42 (declaration of conformity), and
- (b) affix the UK marking or a digital link to the UK marking in accordance with regulation 44 (UK marking).

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

(3) Where radio equipment 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.

(4) In these Regulations “digital link” means a digital information link system which is in the form of—

- (a) a quick response (QR) code which links to a webpage which is accessible to the public without charge,
- (b) a near field communication (NFC) tag which communicates wirelessly with a NFC enabled device and facilitates a data transfer to the device, or
- (c) a radio frequency identification (RFID) tag which returns data from the tag to a RFID reader.”.

(4) For regulation 12 substitute—

“Identification of the radio equipment and manufacturer

12—(1) Before placing radio equipment on the market, a manufacturer must ensure that the radio equipment bears—

- (a) a type, batch or serial number; or

(a) S.I. 2017/1206; they were made in part under section 2(2) 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 in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

(b) another element which allows the radio equipment to be identified.

(2) Where the size or nature of the radio equipment prohibits a manufacturer from complying with the requirement in paragraph (1), the manufacturer must provide the required information either on the radio equipment's packaging or in a document which accompanies the radio equipment.

(3) Before placing radio equipment on the market, a manufacturer must ensure that the information specified in paragraph (4) is indicated on or accessible directly via a digital link which complies with paragraph (7) and which is affixed indelibly to—

- (a) the radio equipment or its data plate;
- (b) a label affixed to the radio equipment, its data plate or its packaging;
- (c) a document accompanying the radio equipment; or
- (d) the radio equipment's packaging.

(4) The information referred to in paragraph (3) is—

- (a) the name, registered trade name or registered trade mark of the manufacturer; and
- (b) a postal address at which the manufacturer can be contacted.

(5) The information specified in paragraph (4) must be in a language which can be easily understood by end-users and the enforcing authority.

(6) The manufacturer's postal address must indicate a single point at which the manufacturer can be contacted.

(7) A digital link must—

- (a) be easily accessible and readable;
- (b) be displayed in a manner which is clearly visible or otherwise able to be easily found;
- (c) provide a working digital connection to the information specified in paragraph (4) when read with—
 - (i) a reader, including a reader which can be installed on a smartphone, or
 - (ii) a device,

which is designed for use with the type of digital link provided by the manufacturer; and

- (d) continue to provide access to the information specified in paragraph (4) for a period of 10 years beginning on the day on which the radio equipment is placed on the market.”.

(5) In regulation 13 (instructions and information to be included with the radio equipment), for paragraph (3) substitute—

“(3) A manufacturer must ensure that each item of radio equipment that they place on the market is accompanied by, as read with paragraph (4), either a copy of the declaration of conformity or a simplified declaration of conformity that complies with regulation 43 (simplified declaration of conformity).

(4) The obligation under paragraph (3) may be met by providing a digital link that complies with paragraph (5) and which gives direct access to the copy of the declaration of conformity or a simplified declaration of conformity.

(5) A digital link must—

- (a) be affixed indelibly to—

- (i) the radio equipment or its data plate;
 - (ii) a label affixed to the radio equipment, its data plate or its packaging;
 - (iii) a document accompanying the radio equipment; or
 - (iv) the radio equipment's packaging
- (b) be easily accessible and readable;
 - (c) be displayed in a manner which is clearly visible or otherwise able to be easily found;
 - (d) provide a working digital connection to the copy of the declaration of conformity or a simplified declaration of conformity when read with—
 - (i) a reader, including a reader which can be installed on a smartphone, or
 - (ii) a device,
 which is designed for use with the type of digital link provided by the manufacturer; and
 - (e) continue to provide access to the copy of the declaration of conformity or a simplified declaration of conformity for a period of 10 years beginning on the day on which the radio equipment is placed on the market.”.
- (6) In regulation 16 (provision of information and cooperation), for paragraph (1) substitute—
- “(1) Following a request from the enforcing authority, a manufacturer must provide the authority concerned with all the information and documentation necessary to demonstrate that the radio equipment is in conformity with Part 2—
- (a) within such reasonable period as the authority may specify; or
 - (b) within 2 working days where information for which a digital link is provided is not accessible or is incomplete.”.
- (7) In regulation 21(d) (requirements which must be satisfied before an importer places radio equipment on the market), for paragraph (i) substitute—
- “(i) bears the UK marking or direct access to the marking is provided by a digital link, and”.
- (8) For regulation 23 substitute—

“Information identifying importer

- 23**—(1) Before placing radio equipment on the market, an importer must ensure that the information specified in paragraph (2) is indicated on or accessible directly via a digital link which complies with paragraph (4) and which is affixed indelibly to—
- (a) the radio equipment or its data plate;
 - (b) a label affixed to the radio equipment, its data plate or its packaging;
 - (c) a document accompanying the radio equipment; or
 - (d) the radio equipment's packaging.
- (2) The information referred to in paragraph (1) is—
- (a) the name, registered trade name or registered trade mark of the importer; and
 - (b) a postal address at which the importer can be contacted.
- (3) The information specified in paragraph (2) must be in a language which can be easily understood by end-users and the enforcing authority.
- (4) A digital link must—

- (a) be easily accessible and readable;
- (b) be displayed in a manner which is clearly visible or otherwise able to be easily found;
- (c) provide a working digital connection to the information specified in paragraph (2) when read with—
 - (i) a reader, including a reader which can be installed on a smartphone, or
 - (ii) a device,
 which is designed for use with the type of digital link provided by the importer; and
- (d) continue to provide access to the information specified in paragraph (2) for a period of 10 years beginning on the day on which the radio equipment is placed on the market.”.

(9) In regulation 29 (provision of information and cooperation), for paragraph (1) substitute—

“(1) Following a request from the enforcing authority, a importer must provide the authority concerned with all the information and documentation necessary to demonstrate that the radio equipment is in conformity with Part 2—

- (a) within such period as the authority may specify; or
- (b) within 2 working days where information for which a digital link is provided is not accessible or is incomplete.”.

(10) In regulation 31(requirements which must be satisfied before a distributor makes radio equipment available on the market)—

(a) in paragraph (1)(a), for paragraph (i) substitute—

“(i) bears the UK marking or direct access to the marking is provided by a digital link,”;

(b) in paragraph (3), for “12(4), 14 and 23(3)” substitute “12(2) and 14”.

(11) In regulation 35 (provision of information and cooperation), for paragraph (1) substitute—

“(1) Following a request from the enforcing authority, a distributor must provide the authority concerned with all the information and documentation necessary to demonstrate that the radio equipment is in conformity with Part 2—

- (a) within such period as the authority may specify; or
- (b) within 2 working days where information for which a digital link is provided is not accessible or is incomplete.”.

(12) In regulation 36A (obligations which are met by complying with obligations in the Directive)—

(a) for paragraph (3)(b) substitute—

“(b) regulations 2(2)(a), 10(2), 11, 13, 19(3) and 39 apply subject to the modifications in paragraph (10)”;

(b) for paragraph (10)(a) substitute—

“(a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity and paragraphs (4) and (5) of regulation 13 are omitted”; and

(c) for paragraph (10)(b) substitute—

- “(b) any reference to “UK marking” is to be read as a reference to the CE marking and any reference to the following is omitted—
- (i) “or direct access to the marking is provided by a digital link”,
 - (ii) “or a digital link to the UK marking”,
 - (iii) “or a digital link to a marking”, and
 - (iv) “, or provide via a digital link affixed access to,””.

(13) For regulation 39 substitute—

“Prohibition on improper use of UK marking

39—(1) An economic operator must not affix the UK marking or a digital link to the UK marking in relation to radio equipment unless—

- (a) that economic operator is the manufacturer, and
- (b) the conformity of the radio equipment with the essential requirements has been demonstrated by a relevant conformity assessment procedure.

(2) An economic operator must not affix a marking or a digital link to a marking in relation to radio equipment, other than the UK marking, which purports to attest that the radio equipment is in conformity with the essential requirements.

(3) An economic operator must not affix, or provide via a digital link affixed access to, a marking, sign or inscription in relation to radio equipment which is likely to mislead any other person as to the meaning or form of the UK marking.

(4) An economic operator must not affix, or provide via a digital link affixed access to, any other marking in relation to radio equipment if the visibility, legibility and meaning of the UK marking would be impaired as a result.”.

(14) For regulation 44 substitute—

“UK marking

44—(1) The UK marking must be affixed visibly, legibly and indelibly to, or be accessible directly via a digital link which complies with paragraph (4) and which is affixed indelibly to—

- (a) the radio equipment or its data plate;
- (b) a label affixed to the radio equipment, its data plate or its packaging;
- (c) a document accompanying the radio equipment; or
- (d) the radio equipment’s packaging.

(2) Where the radio equipment is inside packaging, the UK marking or digital link to the marking must—

- (a) be affixed to the packaging or a label affixed to the packaging (whether or not it is affixed elsewhere); or
- (b) be otherwise visible and readable outside the packaging.

(3) On account of the nature of the radio equipment, the height of the UK marking when affixed to the radio equipment under paragraph (1)(a) may be lower than 5 mm, provided that the marking remains visible and legible.

(4) A digital link must—

- (a) be easily accessible and readable;

- (b) be displayed in a manner which is clearly visible or otherwise able to be easily found;
- (c) provide a working digital connection to the UK marking when read with—
 - (i) a reader, including a reader which can be installed on a smartphone, or
 - (ii) a device,
 which is designed for use with the type of digital link provided by the manufacturer; and
- (d) continue to provide access to the UK marking for a period of 10 years beginning on the day on which the radio equipment is placed on the market.

(5) When the conformity assessment procedure in Schedule 4 (conformity assessment module H) has been applied, the UK marking must be followed by the identification number of the approved body which carried out that conformity assessment procedure.

(6) The identification number in paragraph (5) must have the same height as the UK marking and—

- (a) be affixed—
 - (i) by the approved body itself, or
 - (ii) under the instructions of the approved body, by the manufacturer or the manufacturer's authorised representative; or
- (b) where the UK marking is provided by a digital link, be included with the marking by the manufacturer or the manufacturer's representative under the instructions of the approved body.”.

(15) In regulation 51 (operational matters in relation to approved bodies), for paragraph 3(b) substitute—

“(b) to affix, or to give instructions for the affixing or inclusion of, the body's identification number pursuant to regulation 44(5) (UK marking).”

(16) In regulation 57 (enforcement powers)—

- (a) in paragraph (2), for “the UK marking has been affixed to radio equipment” substitute “the UK marking or a digital link to the UK marking has been affixed in relation to radio equipment”; and
- (b) in paragraph (4)(a), for “the UK marking” substitute “the UK marking or a digital link to the UK marking”.

(17) In regulation 63 (enforcement action in respect of formal non-compliance), in paragraph (1)—

- (a) in sub-paragraph (a), for “the UK marking” substitute “the UK marking or a digital link to the UK marking”;
- (b) in sub-paragraph (e)—
 - (i) in paragraph (i), for “12(1) or (2)” substitute “12(1) or (4)”, and
 - (ii) in paragraph (ii), for “23(1)” substitute “23(2)”.

(18) In Schedule 2 (conformity assessment procedure module A), for paragraph 4(1) substitute—

“(1) The manufacturer must affix the UK marking or a digital link to the UK marking in accordance with regulations 39 (prohibition on improper use of UK marking) and 44 (UK marking) in relation to each item of radio equipment that satisfies the applicable requirements of these Regulations.”.

(19) In Schedule 3 (conformity assessment procedures modules B and C), for paragraph 13(1) substitute—

“(1) The manufacturer must affix the UK marking or a digital link to the UK marking in accordance with regulations 39 (prohibition on improper use of UK marking) and 44 (UK marking) in relation to each item of radio equipment that is in conformity with the type described in the Type examination certificate and satisfies the applicable requirements of these Regulations.”.

(20) In Schedule 4 (conformity assessment procedure H), for paragraph 5(1) substitute—

“(1) The manufacturer must affix or provide a digital link to, the UK marking in accordance with regulations 39 (prohibition on improper use of (UK marking) and 44 (UK marking) and, under the responsibility of the approved body referred to in paragraph 3(1), the latter's identification number in relation to each item of radio equipment that satisfies the requirements of these Regulations.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace provisions of the following legislation as they apply in Great Britain (England and Wales and Scotland):

Measuring Container Bottles (EEC Requirements) Regulations 1977/932

Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001/1701

Supply of Machinery (Safety) Regulations 2008/1597

Aerosol Dispensers Regulations 2009/2824

Ecodesign for Energy-Related Products Regulations 2010/2617

Toys (Safety) Regulations 2011/1881

Restriction on the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012/3032

Explosives Regulations 2014/1638

Pyrotechnic Articles (Safety) Regulations 2015/1553

Equipment for use in potentially explosive atmospheres Regulations 2016/1107

Simple Pressure Vessels (Safety) Regulations 2016/1092

Electromagnetic compatibility Regulations 2016/1091

Lifts Regulations 2016/1093

Electrical Equipment (Safety) Regulations 2016/1101

Pressure Equipment (Safety) Regulations 2016/1105

Gas Appliances (EU) Regulation 2016/426

Personal Protective Equipment (EU) Regulation 2016/425

Measuring Instruments Regulations 2016/1153

Non-automatic weighing instruments Regulations 2016/1152

Recreational Craft Regulations 2017/737

Radio Equipment Regulations 2017/1206

The legislation listed above sets out requirements that products must meet in order to be placed on the market in Great Britain and relates to, where applicable, consumer health and safety, product performance and environmental requirements including energy conservation. It is secondary assimilated law within the meaning of section 12(2) of the Retained EU law (Revocation and Reform) Act 2023 (c.28).

Where in the legislation listed above, the UK marking, or details of manufacturers, importers, responsible persons, or in the case of the Aerosol Regulations 2009, the person responsible for the marketing of the aerosol dispenser, are required to be placed on the product, these Regulations

also permit the same marking and information to be placed on, a label affixed to the product or to its packaging, a document accompanying the product or the product's packaging. These Regulations also permit the same UK marking and information, in addition to any declaration of conformity that is required to accompany the product, to be provided by a digital link affixed indelibly to, the product, a label affixed to the product or to its packaging, a document accompanying the product or the product's packaging.

These Regulations therefore revoke and replace provisions contained within the above legislation concerning UK marking, details of manufacturers, importers, marketers, responsible persons and the declaration of conformity, in order to give effect to the measures outlined above.