STATUTORY RULES OF NORTHERN IRELAND

2017 No. 90

The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 2017

PART 2

OBLIGATIONS OF ECONOMIC OPERATORS

CHAPTER 3

DISTRIBUTORS

Duty to act with due care

28. When making a product available on the market, a distributor shall act with due care to ensure that it is in conformity with Part 2.

Requirements which shall be satisfied before a distributor makes a product available on the market

29.—(1) Before making a product available on the market, the distributor shall verify that—

(a) the product—

(i) bears a CE marking where applicable;

(ii) is accompanied by the EU declaration of conformity or the attestation of conformity;

(iii) is accompanied by the required documents; and

(iv) is accompanied by instructions and safety information in a language which can be easily understood by end-users in the Member State in which the product is to be made available on the market;

(b) the manufacturer has complied with the requirements set out in regulation 11 (Labelling and packaging of products), regulation 12 (Labelling and packaging of products, other than components) and regulation 13 (Information identifying manufacturer); and

(c) the importer has complied with the requirements set out in regulation 21 (Information identifying importer).

(2) In paragraph (1)(a)(iii), "required documents" means the documents that the manufacturer or importer is required to provide with the product pursuant to—

(a) regulation 11(2) (Labelling and packaging of products);

(b) regulation 13(2)(b) (Information identifying manufacturer);

(c) regulation 21(3)(b) (Information identifying importer).

Storage and transport

30. Each distributor shall ensure that, whilst a product is under that distributor's responsibility, its storage or transport conditions do not jeopardise its conformity with the essential health and safety requirements.

Prohibition on making available on the market where product not considered to be in conformity with safety objectives

31.—(1) Where a distributor considers, or has reason to believe, that a product is not in conformity with the essential health and safety requirements, the distributor shall not make the product available on the market.

(2) Where the product presents a risk, the distributor shall inform the following persons of the risk—

(a) the manufacturer or the importer; and

(b) the market surveillance authority.

Duty to take action in respect of products made available on the market which are not in conformity

32.—(1) A distributor who considers, or has reason to believe, that a product which the distributor has made available on the market is not in conformity with Part 2 shall make sure that the necessary corrective measures are taken to—

(a) bring that product into conformity;

(b) withdraw the product; or

(c) recall the product.

(2) Where the product presents a risk, the distributor shall immediately inform the market surveillance authority, and the competent national authorities of the other Member States in which the distributor has made the product available on the market, of that risk, giving details of—

(a) the respect in which the product is considered not to be in conformity with Part 2; and

(b) any corrective measures taken.

Provision of information and cooperation

33.—(1) A distributor shall, further to a reasoned request from the market surveillance authority and within such period as the authority may specify, provide the authority with the information and documentation, in paper or electronic form, necessary to demonstrate that the product is in conformity with Part 2.

(2) A distributor shall, at the request of the market surveillance authority, cooperate with the authority on any action taken to—

(a) evaluate a product in accordance with regulation 55 (Evaluation of a product presenting a risk);

(b) eliminate the risks posed by a product which the distributor has made available on the market.