
STATUTORY INSTRUMENTS

2016 No. 1101

The Electrical Equipment (Safety) Regulations 2016

PART 4

Market surveillance and enforcement

Union safeguard procedure

46.—(1) Where another member State has initiated the procedure under Article 19(4) of the Directive (as amended from time to time), each enforcing authority (other than the Secretary of State) must, without delay, inform the Secretary of State of—

- (a) any measures taken by that enforcing authority in respect of the electrical equipment which is the subject of that procedure;
- (b) any additional information which the enforcing authority has at its disposal relating to the lack of conformity of that electrical equipment.

(2) Where another member State has initiated the procedure under Article 19(4) of the Directive (as amended from time to time), the Secretary of State must, without delay, inform the European Commission and the other member States of—

- (a) any measures taken by an enforcing authority in respect of the electrical equipment which is the subject of that procedure;
- (b) any additional information which an enforcing authority has at its disposal relating to the lack of conformity of that electrical equipment; and
- (c) any objections that the Secretary of State may have to the measure taken by the member State initiating the procedure.

(3) Where a measure taken by another member State in respect of electrical equipment is considered justified by the European Commission under Article 20(1) of the Directive, the market surveillance authority must take the necessary measures to ensure that electrical equipment is withdrawn from the United Kingdom market.

(4) Where the market surveillance authority is not the Secretary of State and it has taken action under paragraph (3), it must inform the Secretary of State.

(5) Where the Secretary of State receives a notice under paragraph (4) or has taken action under paragraph (3), the Secretary of State must inform the European Commission of the action taken.

(6) If a measure taken by an enforcing authority pursuant to regulation 45 is considered unjustified by the European Commission under Article 20(1) of the Directive (as amended from time to time), the enforcing authority must withdraw that measure.