
STATUTORY INSTRUMENTS

2018 No. 389

**The Gas Appliances (Enforcement) and
Miscellaneous Amendments Regulations 2018**

PART 2

Market Surveillance and Enforcement

Offences

7.—(1) It is an offence for an economic operator to contravene the requirements and obligations set out in—

- (a) Article 7 (obligations of manufacturers);
 - (b) Article 9 (obligations of importers);
 - (c) Article 10 (obligations of distributors);
 - (d) Article 12 (identification of economic operators);
 - (e) Article 17 (rules and conditions for affixing the CE marking); and
 - (f) Article 18 (inscriptions).
- (2) It is an offence for an economic operator to fail to—
- (a) cooperate with;
 - (b) provide information to; and
 - (c) comply with any of the requirements of,
the market surveillance authority acting under Article 37.
- (3) It is an offence for an economic operator to fail to take the action required under—
- (a) Article 39 (compliant appliance or fitting which presents a risk); or
 - (b) Article 40 (formal non-compliance).
- (4) It is an offence for a person—
- (a) to intentionally obstruct an enforcement authority acting in the execution or enforcement of EU Regulation 2016/426;
 - (b) without reasonable cause, to fail to give such an enforcement authority any assistance or information which that authority may reasonably require for those purposes;
 - (c) to knowingly or recklessly furnish to such an enforcement authority any information knowing it to be false or misleading in a material particular; or
 - (d) to fail to produce a document or record for such an enforcement authority when required to do so.

(5) Proceedings must not be commenced against an economic operator under paragraph (1), (2) or (3) if the economic operator has been given a time period within which to comply or take action, and that time period has not expired.