

Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

- 1 This Regulation applies to appliances and fittings.
- 2 For the purposes of this Regulation, an appliance is considered to be ‘normally used’ where the following conditions are met:
 - a it is correctly installed and regularly serviced in accordance with the manufacturer’s instructions;
 - b it is used with a normal variation in the gas quality and a normal fluctuation in the supply pressure as set out by [^{F1}the Secretary of State under] Article 4(1);
 - c it is used in accordance with its intended purpose or in a way which can be reasonably foreseen.
- 3 This Regulation does not apply to appliances specifically designed:
 - a for use in industrial processes carried out on industrial premises;
 - b for use on aircrafts and railways;
 - c for research purposes for temporary use in laboratories.

For the purposes of this paragraph, an appliance is considered to be ‘specifically designed’ when the design is only intended to address a specific need for a specific process or use.

- 4 Where, for appliances or fittings, the aspects covered by this Regulation are covered more specifically by other [^{F2}enactments], this Regulation does not apply or ceases to apply to such appliances or fittings in respect of those aspects.

- 5 The rational use of energy essential requirement laid down in point 3.5 of Annex I to this Regulation does not apply to appliances covered by [^{F3}an implementing measure within the meaning given in the Ecodesign for Energy-Related Products Regulations 2010].

^{F4}6

Textual Amendments

- F1** Words in Art. 1(2)(b) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(2)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in Art. 1(4) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(2)(b)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- | | |
|-----------|--|
| F3 | Words in Art. 1(5) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) , reg. 1, Sch. 36 para. 2(2)(c) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Art. 1(6) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) , reg. 1, Sch. 36 para. 2(2)(d) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1) |

Article 2

Definitions

For the purposes of this Regulation the following definitions apply:

- (1) ‘appliances’ means appliances burning gaseous fuels used for cooking, refrigeration, air-conditioning, space heating, hot water production, lighting or washing, and also forced draught burners and heating bodies to be equipped with such burners;
- (2) ‘fittings’ means safety devices, controlling devices or regulating devices and sub-assemblies thereof, designed to be incorporated into an appliance or to be assembled to constitute an appliance;
- (3) ‘burning’ means a process in which gaseous fuel reacts with oxygen producing heat or light;
- (4) ‘washing’ means the entire washing process, including drying and ironing;
- (5) ‘cooking’ means the art or practice of preparing or warming food for consumption with the use of heat and employing a wide range of methods;
- (6) ‘gaseous fuel’ means any fuel which is in a gaseous state at a temperature of 15 °C under an absolute pressure of 1 bar;
- (7) ‘industrial process’ means the extraction, growth, refining, processing, production, manufacture or preparation of materials, plants, livestock, animal products, food or other products with a view to their commercial use;
- (8) ‘industrial premises’ means any place where the main activity carried out is an industrial process that would be subject to specific national health and safety regulations;
- (9) ‘gas family’ means a group of gaseous fuels with similar burning behaviour linked together by a range of Wobbe indices;
- (10) ‘gas group’ means a specified range of Wobbe indices within that of the gas family concerned;
- (11) ‘Wobbe index’ means an indicator of the interchangeability of fuel gases used to compare the combustion energy output of different composition fuel gases in an appliance;
- (12) ‘appliance category’ means the identification of gas families and/or gas groups that an appliance is designed to burn safely and at the desired performance level, as indicated by the appliance category marking;
- (13) ‘energy efficiency’ means the ratio of output of performance of an appliance to input of energy;

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- (14) ‘making available on the market’ means any supply of an appliance or a fitting for distribution or use on the [^{F5}market of Great Britain] in the course of a commercial activity, whether in return for payment or free of charge;
- (15) ‘placing on the market’ means the first making available of an appliance or a fitting on the [^{F6}market of Great Britain];
- (16) ‘putting into service’ means the first use of an appliance in [^{F7}Great Britain] by its end-user;
- (17) ‘manufacturer’ means any natural or legal person who manufactures an appliance or a fitting or who has an appliance or a fitting designed or manufactured, and markets that appliance or fitting under his name or trademark or uses the appliance for his own purposes;
- (18) ‘authorised representative’ means any natural or legal person established within the [^{F8}United Kingdom] who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;
- (19) [^{F9} “importer” means a person who—
- a is established in the United Kingdom and places an appliance or fitting from a country outside of the United Kingdom on the market; or
 - b is established in Northern Ireland and places an appliance or fitting on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;]
- (20) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes an appliance or a fitting available on the market;
- (21) ‘economic operators’ means the manufacturer, the authorised representative, the importer and the distributor;
- (22) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by an appliance or a fitting;
- (23) ^{F10}
- (24) ^{F10}
- (25) ^{F10}
- (26) ‘conformity assessment’ means the process demonstrating whether the essential requirements of this Regulation relating to an appliance or a fitting have been fulfilled;
- (27) ‘conformity assessment body’ means a body that performs conformity assessment activities including calibration, testing, certification and inspection;
- (28) ‘recall’ means any measure aimed at achieving the return of an appliance that has already been made available to the end-user or of a fitting that has already been made available to an appliance manufacturer;
- (29) ‘withdrawal’ means any measure aimed at preventing an appliance or a fitting in the supply chain from being made available on the market;
- (30) ^{F11}

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- (31) ^{F11}
- (32) [^{F12} ‘approved body’ has the meaning given in Article 19;
- (33) ‘designated standard’ has the meaning given in Article 6A;
- (34) ‘enforcement authority’ means a person enforcing this Regulation under regulation 4 of the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389);
- (35) ‘UK marking’ means the marking in the form set out in Annex 2 of Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) 339/93;
- (36) ‘UK national accreditation body’ means the body appointed by the Secretary of State in accordance with Article 4 of Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) 339/93;
- (37) ‘Regulation 2016/426 (pre-exit)’ means Regulation (EU) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC, as it had effect immediately before IP completion day;
- (38) In this Regulation, references to “the market surveillance authority” are to be construed in accordance with regulation 3 of the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018.]

Textual Amendments

- F5** Words in Art. 2(14) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(4)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 2(15) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(4)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 2(16) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 2(18) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), reg. 1(2), **Sch. 5 para. 1(6)(b)**
- F9** Art. 2(19) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(c)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 2(23)-(25) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 2(30)-(31) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 2(32)-(38) inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(e)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(v)(iii)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Article 3

Making available on the market and putting into service

1 Appliances shall only be made available on the market and put into service if, when normally used, they comply with this Regulation.

2 Fittings shall only be made available on the market if they comply with this Regulation.

^{F13}

Textual Amendments

F13 Art. 3(3) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(4)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

^{F14} Article 4

Gas supply conditions

1 The Secretary of State must publish information, in accordance with Annex II, about the types of gas and corresponding supply pressures of gaseous fuels used in the United Kingdom.

2 The information that is published under paragraph 1, may be—

- a published in such form and manner as the Secretary of State considers appropriate;
- b reviewed by the Secretary of State at any time, and if it is revised following such a review, the Secretary of State must publish revised information as soon as reasonably practicable following that review.

3 Where the Secretary of State considers it necessary to do so to take account of any technical developments with regard to gas supply conditions, the Secretary of State may by regulations amend the content of the information regarding gas supply conditions as set out in Annex II.

4 Before making regulations under this Article, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

5 Where regulations are made under this Article, the Secretary of State must, as soon as reasonably practicable after those regulations come into force, publish revised information in accordance with Annex II as amended by those regulations.

6 Regulations made under this Article may—

- a make different provisions for different cases; and
- b make such supplemental, consequential and transitional provisions as the Secretary of State considers appropriate.

7 Regulations made under this Article are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

- F14** Art. 4 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(5)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 5

Essential requirements

Appliances and fittings shall meet the essential requirements set out in Annex I which apply to them.

Article 6

[^{F15}Making available, putting into service and exhibition at trade fairs, etc]

1 [^{F16}Nothing in this Regulation prohibits, restricts or impedes], on grounds relating to the aspects covered by this Regulation, ^{F17}... the making available on the market and the putting into service of appliances which comply with this Regulation.

2 [^{F18}Nothing in this Regulation prohibits, restricts or impedes], on grounds relating to the risks covered by this Regulation, ^{F19}... the making available on the market of fittings which comply with this Regulation.

3 At trade fairs, exhibitions, demonstrations or similar events, [^{F20}nothing in this Regulation prevents] the showing of appliances or fittings which do not comply with this Regulation, provided that a visible sign clearly indicates that such appliances or fittings do not comply with this Regulation and that they are not for sale until they have been brought into conformity. During demonstrations, adequate safety measures shall be taken to ensure the protection of persons, domestic animals and property.

Textual Amendments

- F15** Art. 6 heading substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 6(1) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(b)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 6(1) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(b)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 6(2) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(b)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 6(2) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(b)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

F20 Words in Art. 6(3) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(c)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

^{F21}Article 6A

Designated standard

1 Subject to paragraphs 6 and 7, in this Regulation a “designated standard” means a technical specification which is—

- a adopted by a recognised standardisation body [^{F22}or an international standardising body], for repeated or continuous application, with which compliance is not compulsory; and
- b designated by the Secretary of State, by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

2 For the purposes of paragraph 1, “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- a the characteristics required of a product, including—
 - i levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and
 - ii the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; and
- b production methods and processes relating to the product, where these have an effect on the characteristics of the product.

3 For the purposes of this Article, a “recognised standardisation body” means any one of the following organisations—

- a the European Committee for Standardisation (CEN);
- b the European Committee for Electrotechnical Standardisation (Cenelec);
- c the European Telecommunications Standards Institute (ETSI);
- d the British Standards Institution (BSI).

3A. [^{F23}In this Article “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time).]

4 When considering whether the manner of publication of a reference is appropriate in accordance with paragraph 1(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.

5 Before publishing the reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent with [^{F24}such] technical specifications adopted by the other recognised standardisation bodies [^{F25}or by international standardising bodies as the Secretary of State considers to be relevant].

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

6 The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph 1(b).

7 Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

8 In this Article, a reference to a “product” is a reference to an appliance or fitting to which this Regulation applies.

9 The Secretary of State may, by regulations, amend paragraph 3 to reflect any changes in the name or structure of the recognised standardisation bodies.

10 Regulations made under paragraph 9 must be made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F21** Art. 6A inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(7)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 6A(1)(a) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 24(a)**; S.I. 2020/1662, reg. 2(ee)
- F23** Art. 6A(3A) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 24(b)**; S.I. 2020/1662, reg. 2(ee)
- F24** Word in Art. 6A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 24(c)(i)**; S.I. 2020/1662, reg. 2(ee)
- F25** Words in Art. 6A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 24(c)(ii)**; S.I. 2020/1662, reg. 2(ee)

CHAPTER II

OBLIGATIONS OF ECONOMIC OPERATORS

Article 7

Obligations of manufacturers

1 When placing their appliances or fittings on the market or when using the appliances for their own purposes, manufacturers shall ensure that they have been designed and manufactured in accordance with the essential requirements set out in Annex I.

2 Manufacturers shall draw up the technical documentation referred to in Annex III (‘technical documentation’) and carry out the relevant conformity assessment procedure referred to in Article 14 or have it carried out.

Where compliance of an appliance or a fitting with the applicable requirements has been demonstrated by the procedure referred to in the first subparagraph, manufacturers shall draw up [^{F26}a] declaration of conformity and affix the [^{F27}UK] marking.

3 Manufacturers shall keep the technical documentation and the ^{F28}... declaration of conformity for 10 years after the appliance or the fitting has been placed on the market.

4 Manufacturers shall ensure that procedures are in place for series production to remain in conformity with this Regulation. Changes in appliance or fitting design or characteristics and changes in the [F²⁹designated] standards or in other technical specifications by reference to which the conformity of the appliance or the fitting is declared shall be adequately taken into account.

When deemed appropriate with regard to the risks presented by an appliance, manufacturers shall, to protect the health and safety of consumers and other users, carry out sample testing of appliances made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming appliances and fittings and recalls of such appliances and fittings, and shall keep distributors informed of any such monitoring.

5 Manufacturers shall ensure that their appliances and fittings bear a type, batch or serial number or other element allowing their identification, and the inscriptions provided for in Annex IV.

Where the size or nature of the appliance or the fitting does not allow it, manufacturers shall ensure that the required information is provided on the packaging or in a document accompanying the appliance or the fitting.

6 Manufacturers shall indicate on the appliance their name, registered trade name or registered trade mark, and the postal address at which they can be contacted or, where that is not possible, on the packaging or in a document accompanying the appliance. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by consumers and other end-users and the [F³⁰market surveillance authority].

Manufacturers shall indicate on the fitting their name, registered trade name or registered trade mark, and the postal address at which they can be contacted or, where that is not possible, on the packaging or in a document accompanying the fitting. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by appliance manufacturers and the [F³⁰market surveillance authority].

7 Manufacturers shall ensure that the appliance is accompanied by instructions and safety information in accordance with point 1.5 of Annex I, [F³¹that are clear, legible and in easily understandable English].

Manufacturers shall ensure that the fitting is accompanied by a copy of the F³²... declaration of conformity containing, inter alia, instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, [F³¹that are clear, legible and in easily understandable English].

However, where a large number of fittings are delivered to a single user, the batch or consignment concerned may be accompanied by a single copy of the F³²... declaration of conformity.

8 Manufacturers who consider or have reason to believe that an appliance or a fitting which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that appliance or fitting into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the appliance or the fitting presents a risk, manufacturers shall immediately inform the [F³³enforcement authority] to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

9 Manufacturers shall, further to a reasoned request from [^{F34}the enforcement authority], provide it with all the information and documentation necessary to demonstrate the conformity of the appliance or the fitting with this Regulation, in a language which can be easily understood by that authority. That information and documentation may be provided in paper or electronic form. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by appliances or fittings which they have placed on the market.

Textual Amendments

- F26** Word in Art. 7(2) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(8)(a)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Word in Art. 7(2) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(8)(a)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Word in Art. 7(3) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(8)(b)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Word in Art. 7(4) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(8)(c)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 7(6) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(8)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in Art. 7(7) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(8)(e)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Word in Art. 7(7) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(8)(e)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in Art. 7(8) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(8)(f)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in Art. 7(9) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(8)(g)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 8

Authorised representatives

1 A manufacturer may, by a written mandate, appoint [^{F35}a person established in the United Kingdom as their]^{F36}... authorised representative.

The obligations laid down in Article 7(1) and the obligation to draw up technical documentation shall not form part of the authorised representative's mandate.

2 An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- a keep the ^{F37}... declaration of conformity and the technical documentation at the disposal of [^{F38}the market surveillance authority] for 10 years after the appliance or the fitting has been placed on the market;
- b further to a reasoned request from [^{F39}the enforcement authority], provide that authority with all the information and documentation necessary to demonstrate the conformity of the appliance or the fitting;
- c cooperate with the [^{F40}enforcement authority], at their request, on any action taken to eliminate the risks posed by appliances or fittings covered by the authorised representative's mandate.

Textual Amendments

- F35** Words in Art. 8(1) inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(9)(a)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Word in Art. 8(1) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(9)(a)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F37** Word in Art. 8(2)(a) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(9)(b)(i)(aa)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 8(2)(a) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(9)(b)(i)(bb)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in Art. 8(2)(b) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(9)(b)(ii)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in Art. 8(2)(c) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(9)(b)(iii)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 9

Obligations of importers

- 1 Importers shall place only compliant appliances or fittings on the market.
- 2 Before placing an appliance on the market, importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the appliance bears the [^{F41}UK] marking and is accompanied by instructions and safety information in accordance with point 1.5 of Annex I, and that the manufacturer has complied with the requirements set out in Article 7(5) and (6).

Before placing a fitting on the market, importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the fitting bears the [^{F41}UK] marking and is accompanied by a copy of the ^{F42}... declaration of conformity containing, inter alia, instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, and that the manufacturer has complied with the requirements set out in Article 7(5) and (6).

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Where an importer considers or has reason to believe that an appliance or a fitting is not in conformity with the essential requirements set out in Annex I, he shall not place the appliance or the fitting on the market until it has been brought into conformity. Furthermore, where the appliance or the fitting presents a risk, the importer shall inform the manufacturer and the market surveillance [^{F43}authority] to that effect.

3 Importers shall indicate on the appliance their name, registered trade name or registered trade mark, and the postal address at which they can be contacted ^{F44}.... The contact details shall be in a language easily understood by consumers and other end-users and the market surveillance [^{F45}authority].

Importers shall indicate on the fitting their name, registered trade name or registered trade mark, and the postal address at which they can be contacted ^{F44}... The contact details shall be in a language easily understood by appliance manufacturers and the market surveillance [^{F45}authority].

[^{F46}The obligation set out in the first and second subparagraphs of this paragraph 3 to indicate information on the appliance or fitting does not apply where—

- a either—
 - i it is not possible to indicate that information on the appliance or fitting, or
 - ii the importer has imported the appliance or fitting from an EEA state or Switzerland and places it on the market within the period of [^{F47}seven years] beginning with IP completion day, and
- b before placing the appliance or fitting on the market, the importer sets out the information referred to in the first and second subparagraphs on the packaging of the appliance or fitting or in a document accompanying the appliance or fitting.]

4 Importers shall ensure that the appliance is accompanied by instructions and safety information in accordance with point 1.5 of Annex I, [^{F48}that are clear, legible and in easily understandable English].

Importers shall ensure that the fitting is accompanied by a copy of the ^{F49}... declaration of conformity containing, inter alia, instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, [^{F48}that are clear, legible and in easily understandable English].

5 Importers shall ensure that, while an appliance or a fitting is under their responsibility, storage or transport conditions do not jeopardise its compliance with the essential requirements set out in Annex I.

6 When deemed appropriate with regard to the risks presented by an appliance, importers shall, to protect the health and safety of consumers and other users, carry out sample testing of appliances made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming appliances and fittings and recalls of such appliances and fittings, and shall keep distributors informed of any such monitoring.

7 Importers who consider or have reason to believe that an appliance or a fitting which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that appliance or fitting into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the appliance or the fitting presents a risk, importers shall immediately inform the [^{F50}enforcement authority] to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

8 Importers shall, for 10 years after the appliance or the fitting has been placed on the market, keep a copy of the ^{F51}... declaration of conformity at the disposal of the market

surveillance [^{F52}authority] and ensure that the technical documentation can be made available to [^{F53}that authority], upon request.

9 Importers shall, further to a reasoned request from [^{F54}the enforcement authority], provide it with all the information and documentation necessary to demonstrate the conformity of an appliance or a fitting in a language which can be easily understood by that authority. That information and documentation may be provided in paper or electronic form. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by appliances or fittings which they have placed on the market.

Textual Amendments

- F41** Word in Art. 9(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(a)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F42** Word in Art. 9(2) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(a)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F43** Word in Art. 9(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(a)(iii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in Art. 9(3) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(b)(i)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F45** Word in Art. 9(3) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(b)(i)(bb)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in Art. 9(3) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(b)(ii)** (as amended by S.I. 2019/1246, regs. 1(3), 5; S.I. 2020/676, regs. 1(1), 2; S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(v)(iv); and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 2(1)(o)); 2020 c. 1, Sch. 5 para. 1(1)
- F47** Words in Art. 9(3)(a)(ii) substituted (E.W.S.) (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 4, **Sch. 3**
- F48** Words in Art. 9(4) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(c)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F49** Word in Art. 9(4) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(c)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Art. 9(7) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F51** Word in Art. 9(8) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(e)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F52** Word in Art. 9(8) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(e)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F53** Words in Art. 9(8) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(10)(e)(iii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

F54 Words in Art. 9(9) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(10)(f)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 10

Obligations of distributors

1 When making an appliance or a fitting available on the market distributors shall act with due care in relation to the requirements of this Regulation.

2 Before making an appliance available on the market, distributors shall verify that the appliance bears the [^{F55}UK] marking and that it is accompanied by instructions and safety information in accordance with point 1.5 of Annex I, [^{F56}that are clear, legible and in easily understandable English], and that the manufacturer and the importer have complied with the requirements set out in Article 7(5) and (6) and Article 9(3) respectively.

Before making a fitting available on the market, distributors shall verify that the fitting bears the [^{F57}UK] marking and that it is accompanied by a copy of the [^{F58}... declaration of conformity containing, inter alia, instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, [^{F59}that are clear, legible and in easily understandable English], and that the manufacturer and the importer have complied with the requirements set out in Article 7(5) and (6) and Article 9(3) respectively.

Where a distributor considers or has reason to believe that an appliance or a fitting is not in conformity with the essential requirements set out in Annex I, he shall not make the appliance or the fitting available on the market until it has been brought into conformity. Furthermore, where the appliance or the fitting presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance [^{F60}authority].

3 Distributors shall ensure that, while an appliance or a fitting is under their responsibility, storage or transport conditions do not jeopardise its compliance with the essential requirements set out in Annex I.

4 Distributors who consider or have reason to believe that an appliance or a fitting which they have made available on the market is not in conformity with this Regulation shall make sure that the corrective measures necessary to bring that appliance or fitting into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the appliance or the fitting presents a risk, distributors shall immediately inform the [^{F61}enforcement authority] to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

5 Distributors shall, further to a reasoned request from [^{F62}the enforcement authority], provide it with all the information and documentation necessary to demonstrate the conformity of an appliance or a fitting. That information and documentation may be provided in paper or electronic form. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by appliances or fittings which they have made available on the market.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

- F55** Word in Art. 10(2) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(11)(a)(i)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F56** Words in Art. 10(2) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(11)(a)(i)(bb)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F57** Word in Art. 10(2) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(11)(a)(ii)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F58** Word in Art. 10(2) omitted (31.12.2020) by virtue of *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(11)(a)(ii)(bb)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in Art. 10(2) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(11)(a)(ii)(cc)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F60** Word in Art. 10(2) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(11)(a)(iii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F61** Words in Art. 10(4) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(11)(b)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F62** Words in Art. 10(5) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(11)(c)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 11

Cases in which obligations of manufacturers apply to importers and distributors

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and he shall be subject to the obligations of the manufacturer under Article 7, where he places an appliance or a fitting on the market under his name or trademark or modifies an appliance or a fitting already placed on the market in such a way that compliance with the requirements of this Regulation may be affected.

Article 12

Identification of economic operators

Economic operators shall, on request, identify the following to the market surveillance [^{F63}authority]:

- (a) any economic operator who has supplied them with an appliance or a fitting;
- (b) any economic operator to whom they have supplied an appliance or a fitting.

Economic operators shall be able to present the information referred to in the first paragraph for 10 years after they have been supplied with the appliance or the fitting and for 10 years after they have supplied the appliance or the fitting.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

F63 Word in Art. 12 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(12)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER III

CONFORMITY OF APPLIANCES AND FITTINGS

^{F64} Article 13

Presumption of conformity of appliances and fittings

1 Appliances and fittings which are in conformity with a designated standard or part thereof shall be presumed to be in conformity with the essential requirements set out in Annex I covered by that standard or part thereof.

2 The presumption in paragraph 1 is rebuttable.]

Textual Amendments

F64 Art. 13 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(13)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 14

Conformity assessment procedures for appliances and fittings

1 Before an appliance or a fitting is placed on the market, the manufacturer shall submit it to a conformity assessment procedure in accordance with paragraph 2 or 3.

2 The conformity of series-manufactured appliances and fittings with the requirements of this Regulation shall be assessed by means of the ^{F65}... type-examination (Module B — production type) set out in point 1 of Annex III, combined with one of the following modules, at the choice of the manufacturer:

- a conformity to type based on internal production control plus supervised product checks at random intervals (Module C2), set out in point 2 of Annex III;
- b conformity to type based on quality assurance of the production process (Module D), set out in point 3 of Annex III;
- c conformity to type based on product quality assurance (Module E), set out in point 4 of Annex III;
- d conformity to type based on product verification (Module F), set out in point 5 of Annex III.

3 In the case of an appliance or a fitting produced as a single unit or in small quantities, the manufacturer may choose one of the procedures set out in paragraph 2 of this Article or conformity based on unit verification (Module G) set out in point 6 of Annex III.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

4 Records and correspondence relating to conformity assessment of an appliance or a fitting shall be drawn up in [^{F66}English] or in a language accepted by [^{F67}the approved body].

Textual Amendments

- F65** Word in Art. 14(2) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(14)(a)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F66** Word in Art. 14(4) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(14)(b)(i)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F67** Words in Art. 14(4) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(14)(b)(ii)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 15

^{F68}... Declaration of conformity

1 The ^{F69}... declaration of conformity shall state that the fulfilment of the essential requirements set out in Annex I has been demonstrated.

2 The ^{F70}... declaration of conformity shall have the model structure set out in Annex V, shall contain the elements specified in the relevant modules set out in Annex III and shall be continuously updated. It shall be [^{F71}prepared in or translated into English].

3 In order to assist compliance of finished appliances with the applicable essential requirements set out in Annex I, the ^{F72}... declaration of conformity for a fitting shall state the characteristics of the fitting and shall contain instructions on how the fitting should be incorporated into an appliance or assembled to constitute an appliance. The ^{F72}... declaration of conformity shall be in [^{F73}English].

[^{F74} Where an appliance or a fitting is subject to more than one enactment requiring a declaration of conformity, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.]

5 By drawing up the ^{F75}... declaration of conformity, the manufacturer shall assume responsibility for the compliance of the appliance or the fitting with the requirements laid down in this Regulation.

6 A copy of the ^{F76}... declaration of conformity shall be supplied with the fitting.

Textual Amendments

- F68** Word in Art. 15 heading omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(15)(a)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F69** Word in Art. 15(1) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(15)(a)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F70** Word in Art. 15(2) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(15)(b)(i)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- F71** Words in Art. 15(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(15)(b)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F72** Word in Art. 15(3) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(15)(c)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F73** Word in Art. 15(3) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(15)(c)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F74** Art. 15(4) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(15)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F75** Word in Art. 15(5) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(15)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F76** Word in Art. 15(6) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(15)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 16

General principles of the [F77UK] marking

The [F78UK] marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

Textual Amendments

- F77** Word in Art. 16 heading substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(16)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F78** Word in Art. 16 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(16)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 17

Rules and conditions for affixing the [F79UK] marking

[F80A1 Paragraph 1 is subject to paragraph (1A).]

1 The [F81UK] marking shall be affixed visibly, legibly and indelibly to the appliance and the fitting or to their data plate as far as relevant. Where that is not possible or not warranted on account of the nature of the appliance or the fitting, it shall be affixed to the packaging and to the documents accompanying the appliance or the fitting.

[F821A For a period of [F83seven years] beginning with IP completion day, paragraph 1 does not apply where the UK marking is affixed visibly, legibly and indelibly to—

- a a label affixed to the appliance and fitting or their data plate; or
- b a document accompanying the appliance and fitting or their data plate.]

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

2 The [F84UK] marking shall be affixed before the appliance or the fitting is placed on the market.

3 The [F85UK] marking shall be followed by the identification number of the [F86approved] body involved in the production control phase of the appliance or of the fitting and by the last two digits of the year in which the [F85UK] marking was affixed. The identification number of the [F86approved] body shall be affixed by the body itself or, under its instructions, by the manufacturer or his authorised representative.

4 The [F87UK] marking and the identification number referred to in paragraph 3 may be followed by any other mark indicating a special risk or use.

F885

Textual Amendments

- F79** Word in Art. 17 heading substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(17)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F80** Art. 17(A1) inserted by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(17)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F81** Word in Art. 17(1) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(17)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F82** Art. 17(1A) inserted by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(17)(ab)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F83** Words in Art. 17(1A) substituted (E.W.S.) (31.12.2022) by virtue of [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), **3, Sch. 2**
- F84** Word in Art. 17(2) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(17)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F85** Word in Art. 17(3) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(17)(b)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F86** Word in Art. 17(3) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(17)(b)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F87** Word in Art. 17(4) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(17)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F88** Art. 17(5) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(17)(c)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 18

Inscriptions

1 The inscriptions referred to in Annex IV shall be affixed visibly, legibly and indelibly to the appliance or to its data plate and, as far as relevant, to the fitting or to its data plate.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

2 The inscriptions referred to in Annex IV shall be affixed before the appliance or the fitting is placed on the market.

CHAPTER IV

[^{F89} APPROVAL OF CONFORMITY ASSESSMENT BODIES]

^{F90} Article 19

Approved bodies

- 1 An approved body is a conformity assessment body which—
- a has been approved by the Secretary of State pursuant to the procedure set out in Article 20 (approval of conformity assessment bodies); or
 - b immediately before IP completion day was a notified body in respect of which the Secretary of State had taken no action under Article 29 (changes to notifications) of Regulation 2016/426 (pre-exit), to suspend or withdraw the body's status as a notified body.
- 2 Paragraph 1 has effect subject to Article 29 (restriction, suspension or withdrawal of approval).
- 3 In this Chapter—
- “notified body” means a body—
- (a) which the Secretary of State had, before IP completion day, notified to the European Commission and the member States of the European Union in accordance with Article 19 of Regulation 2016/426 (pre-exit); and
 - (b) in respect of which no objections had been raised, as referred to in Article 27(5) of Regulation 2016/426 (pre-exit);
- “approved body requirements” means the requirements set out in Article 23.]

Textual Amendments

F90 Art. 19 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(19)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(v)(v)); 2020 c. 1, Sch. 5 para. 1(1)

^{F91} Article 20

Approval of conformity assessment bodies

- 1 The Secretary of State may approve only those conformity assessment bodies that qualify for approval.
- 2 A conformity assessment body qualifies for approval if the first and second conditions below are met.
- 3 The first condition is that the conformity assessment body has applied to the Secretary of State to become an approved body and that application is accompanied by—

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- a a description of—
 - i the conformity assessment activities that the conformity assessment body intends to carry out;
 - ii the conformity assessment procedure in respect of which the conformity assessment body claims to be competent; and
 - iii the category of appliance or fitting in respect of which the conformity assessment body claims to be competent; and
- b either—
 - i an accreditation certificate; or
 - ii the documentary evidence necessary for the Secretary of State to verify, recognise and regularly monitor the conformity assessment body's compliance with the approved body requirements.

4 The second condition is that the Secretary of State is satisfied that the conformity assessment body meets the approved body requirements.

5 For the purposes of paragraph 4, the Secretary of State may accept an accreditation certificate provided in accordance with paragraph 3(b)(i), as sufficient evidence that the conformity assessment body meets the approved body requirements.

6 When deciding whether to approve a conformity assessment body that qualifies for approval, the Secretary of State may—

- a have regard to any other matter which appears to the Secretary of State to be relevant; and
- b set conditions that the conformity assessment body must meet.

7 For the purposes of this Article, “accreditation certificate” means a certificate issued by the UK national accreditation body, attesting that a conformity assessment body meets the approved body requirements.]

Textual Amendments

F91 Art. 20 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(20)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

[^{F92} Article 21

UK national accreditation body

The Secretary of State may authorise the UK national accreditation body to carry out the following activities on behalf of the Secretary of State—

- a assessing whether a conformity assessment body meets the approved body requirements;
- b monitoring approved bodies in accordance with Article 22; and
- c compiling and maintaining the register of approved bodies, in accordance with Article 28.]

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

F92 Art. 21 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(21)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

^{F93} Article 22

Monitoring obligations

The Secretary of State must monitor each approved body with a view to verifying that the body—

- a continues to meet—
 - i the approved body requirements;
 - ii any conditions set by the Secretary of State under Article 20(6)(b); and
- b carries out its functions in accordance with this Regulation.]

Textual Amendments

F93 Art. 22 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(22)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 23

^{F94} Approved Body Requirements]

1 For the purposes of [^{F95}approval], a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.

2 A conformity assessment body shall be established [^{F96}in the United Kingdom] and have legal personality.

3 A conformity assessment body shall be a third-party body independent of the organisation or the appliance or the fitting it assesses.

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of appliances or fittings which it assesses, may, on the condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

4 A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the appliances or the fittings which they assess, nor the representative of any of those parties. This shall not preclude the use of assessed appliances or fittings that are necessary for the operations of the conformity assessment body or the use of such appliances or fittings for personal purposes.

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

design, manufacture or construction, the marketing, installation, use or maintenance of those appliances or fittings, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are [F⁹⁷approved]. This shall in particular apply to consultancy services.

Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

5 Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.

6 A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Annex III and in relation to which it has been [F⁹⁸approved], whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

At all times, and for each conformity assessment procedure and each kind or category of appliances or fittings in relation to which it has been [F⁹⁸approved], a conformity assessment body shall have at its disposal the necessary:

- a personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;
- b descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as [F⁹⁹an approved body] and other activities;
- c procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the appliance or fitting technology in question and the mass or serial nature of the production process.

A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.

7 The personnel responsible for carrying out conformity assessment tasks shall have the following:

- a sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been [F¹⁰⁰approved];
- b satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;
- c appropriate knowledge and understanding of the essential requirements set out in Annex I, of the applicable [F¹⁰¹designated] standards and of the relevant provisions of [F¹⁰²this Regulation and any other relevant United Kingdom legislation];
- d the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

8 The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

The remuneration of the top level management and of the personnel responsible for carrying out the conformity assessment tasks of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.

9 Conformity assessment bodies shall take out liability insurance unless [^{F103}the Secretary of State] is directly responsible for the conformity assessment.

10 The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Annex III or any provision of [^{F104}United Kingdom] law giving effect to it, except in relation to the [^{F105}enforcement authority]. Proprietary rights shall be protected.

11 Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and the activities of [^{F106}any approved] body coordination group established [^{F107}by the Secretary of State] and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

Textual Amendments

- F94** Art. 23 heading substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F95** Word in Art. 23(1) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(b)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F96** Words in Art. 23(2) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(c)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F97** Word in Art. 23(4) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F98** Word in Art. 23(6) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(e)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F99** Words in Art. 23(6)(b) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(e)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F100** Word in Art. 23(7)(a) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F101** Word in Art. 23(7)(c) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(f)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in Art. 23(7)(c) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(f)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F103** Words in Art. 23(9) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(g)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- F104** Words in Art. 23(10) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(h)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F105** Words in Art. 23(10) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(h)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F106** Words in Art. 23(11) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(i)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F107** Words in Art. 23(11) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(23)(i)(bb)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F108 Article 24

Presumption of conformity of approved bodies

1 Where a conformity assessment body demonstrates its conformity with the criteria laid down in a designated standard (or part of such a standard), the Secretary of State must presume that the conformity assessment body meets the approved body requirements covered by that standard (or the part of that standard).

2 The presumption in paragraph 1 is rebuttable.]

Textual Amendments

- F108** Art. 24 substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(24)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F109 Article 25

Subsidiaries of, and subcontracting by, approved bodies

1 An approved body may subcontract specific conformity assessment activities, or use a subsidiary to carry out such activities provided—

- a the body is satisfied that the subcontractor or subsidiary meets the approved body requirements;
- b the body has informed the Secretary of State that it is satisfied that the subcontractor or subsidiary meets those requirements; and
- c the economic operator for whom the activities are to be carried out has consented to the activities being carried out by that person.

2 The approved body which subcontracts specific conformity assessment activities or uses a subsidiary to carry out such activities remains responsible for the proper performance of those activities (irrespective of where the subcontractor or subsidiary is established).

3 Where an approved body subcontracts, or uses a subsidiary to carry out, a specific conformity assessment activity, the approved body must, for a period of 10 years beginning on the day on which the activity is first carried out, keep available for inspection by the Secretary of State all relevant documentation concerning—

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- a the assessment of the qualifications of the subcontractor or the subsidiary; and
- b the conformity assessment activity carried out by the subcontractor or subsidiary.

4 In this Article, “subsidiary” has the meaning given to it by section 1159 of the Companies Act 2006.]

Textual Amendments

F109 Art. 25 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(25)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F110 Article 26

Application for notification

Textual Amendments

F110 Art. 26 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(26)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F111 Article 27

Notification procedure

Textual Amendments

F111 Art. 27 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(26)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F112 Article 28

Identification numbers and register of approved bodies

- 1 The Secretary of State must—
 - a assign an approved body identification number to each approved body; and
 - b compile and maintain a register of—
 - i approved bodies;
 - ii their approved body identification numbers;
 - iii the activities for which they have been approved; and
 - iv any restrictions on those activities.

2 The register referred to in paragraph 1 must be made publicly available.]

Textual Amendments

F112 Art. 28 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(27)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F113 Article 29

Restriction, suspension or withdrawal of approval

- 1 Where the Secretary of State determines that an approved body—
- a no longer meets an approved body requirement, or
 - b is failing to fulfil its obligations under these Regulations, other than a condition referred to in Article 20(6)(b),
- the Secretary of State must restrict, suspend or withdraw the body's status as an approved body under Article 20.
- 2 Where the Secretary of State determines that an approved body no longer meets a condition referred to in Article 20(6)(b), the Secretary of State may restrict, suspend or withdraw the body's status as an approved body under Article 20.
- 3 In deciding what action to take under paragraph 1 or 2, the Secretary of State must have regard to the seriousness of the non-compliance.
- 4 Before taking action under paragraph 1 or 2, the Secretary of State must—
- a give notice in writing to the approved body of the proposed action and the reasons for it;
 - b give the approved body an opportunity to make representations to the Secretary of State regarding the proposed action within a reasonable period from the date of the notice; and
 - c consider any such representations made by the approved body.
- 5 Where the Secretary of State has taken action in respect of an approved body under paragraph 1 or 2, or where an approved body has ceased its activity, the approved body must, at the request of the Secretary of State—
- a transfer its files relating to the activities it has undertaken as an approved body to another approved body or to the Secretary of State; or
 - b keep its files relating to the activities it has undertaken as an approved body available for inspection by the Secretary of State and market surveillance authority for a period of 10 years from the date they were created.
- 6 The activities undertaken as an approved body referred to in paragraph 5 include any activities that the body has undertaken as a notified body.]

Textual Amendments

F113 Art. 29 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(28)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

F114 Article 30

Challenge of the competence of notified bodies

Textual Amendments

F114 Art. 30 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(29)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 31

Operational obligations of [^{F115}approved] bodies

1 [^{F116}Approved] bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in Annex III.

[^{F117}1A Subject to the terms of its appointment, an approved body must carry out the conformity assessment activities and procedures in respect of which —

- a the body's approval was given under Article 20; or
- b the body's notification as a notified body was made.]

2 Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators.

Conformity assessment bodies shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the appliance or fitting technology in question and the mass or serial nature of the production process.

In so doing they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the appliance or the fitting with this Regulation.

3 Where [^{F118}an approved] body finds that the essential requirements set out in Annex I or corresponding [^{F119}designated] standards or other technical specifications have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a certificate or approval decision.

4 Where, in the course of the monitoring of conformity following the issue of a certificate or approval decision, [^{F120}an approved] body finds that an appliance or a fitting no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate or the approval decision, if necessary.

5 Where corrective measures are not taken or do not have the required effect, the [^{F121}approved] body shall restrict, suspend or withdraw any certificates or approval decisions, as appropriate.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

- F115** Word in Art. 31 heading substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(30)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F116** Word in Art. 31(1) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(30)(b)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F117** Art. 31(1A) inserted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(30)(c)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F118** Words in Art. 31(3) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(30)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F119** Word in Art. 31(3) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(30)(e)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F120** Words in Art. 31(4) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(30)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F121** Word in Art. 31(5) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(30)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 32

Appeal against decisions of ^{F122}approved] bodies

^{F123}Approved] bodies shall ensure that an appeal procedure against their decisions is available.

Textual Amendments

- F122** Word in Art. 32 heading substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(31)(b)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F123** Word in Art. 32 substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(31)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 33

Information obligation on ^{F124}approved] bodies

- 1 ^{F125}Approved] bodies shall inform the ^{F126}Secretary of State] of the following:
 - a any refusal, restriction, suspension or withdrawal of a certificate or approval decision;
 - b any circumstances affecting the scope of or the conditions for ^{F127}their approval];
 - c any request for information which they have received from ^{F128}the market surveillance authority] regarding conformity assessment activities;

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- d on request, conformity assessment activities performed within the scope of their [^{F129}approval] and any other activity performed, including cross-border activities and subcontracting.
- 2 [^{F130}Approved] bodies shall provide [^{F131}other approved bodies] under this Regulation carrying out similar conformity assessment activities covering the same appliances or fittings with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Textual Amendments

- F124** Word in Art. 33 heading substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(32)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F125** Word in Art. 33(1) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(32)(b)(i)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F126** Words in Art. 33(1) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(32)(b)(i)(bb)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F127** Words in Art. 33(1)(b) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(32)(b)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F128** Words in Art. 33(1)(c) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(32)(b)(iii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F129** Word in Art. 33(1)(d) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(32)(b)(iv)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F130** Word in Art. 33(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(32)(c)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F131** Words in Art. 33(2) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(32)(c)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

^{F132}Article 34

Exchange of experience

Textual Amendments

- F132** Art. 34 omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(33)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

^{F133}Article 35

Coordination of notified bodies

Textual Amendments

F133 Art. 35 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(33)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

F89 Words in Ch. 4 heading substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(18)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER V

^{F134}**MARKET SURVEILLANCE AND CONTROL OF APPLIANCES AND FITTINGS ENTERING THE MARKET OF GREAT BRITAIN]**

Article 36

^{F135}**Market surveillance and control of appliances and fittings entering the United Kingdom market]**

^{F136}Articles 15(3), 16 to 22 and 26 to 29] of Regulation (EC) No 765/2008 shall apply to appliances and fittings covered by this Regulation.

Textual Amendments

F135 Art. 36 heading substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(35)(a)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F136 Words in Art. 36 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(35)(b)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 37

Procedure ^{F137}... for dealing with appliances or fittings presenting a risk

1 Where the market surveillance [^{F138}authority has] sufficient reason to believe that an appliance or fitting covered by this Regulation presents a risk to the health or safety of persons or to domestic animals or property, [^{F139}the authority] shall carry out an evaluation in relation to the

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

appliance or fitting concerned covering all relevant requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance [^{F140}authority] for that purpose.

Where, in the course of the evaluation referred to in the first subparagraph, the market surveillance [^{F141}authority finds] that the appliance or fitting does not comply with the requirements laid down in this Regulation, [^{F142}the authority] shall without delay require the relevant economic operator to take all appropriate corrective action to bring the appliance or fitting into compliance with those requirements, to withdraw the appliance or fitting from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as [^{F142}the authority] may prescribe.

The market surveillance [^{F143}authority] shall inform the relevant [^{F144}approved] body accordingly.

Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph of this paragraph.

^{F145}2

3 The economic operator shall ensure that all appropriate corrective action is taken in respect of all the appliances and fittings concerned that he has made available on the market ^{F146}....

4 Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance [^{F147}authority] shall take all appropriate ^{F148}... measures to prohibit or restrict the appliances or fittings being made available on [^{F149}the market], to withdraw the appliance or fitting from that market or to recall it.

^{F150} ...

^{F151}5

^{F151}6

^{F151}7

^{F151}8

Textual Amendments

F137 Words in Art. 37 heading omitted (31.12.2020) by virtue of *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F138 Words in Art. 37(1) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(b)(i)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F139 Words in Art. 37(1) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(b)(i)(bb)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F140 Word in Art. 37(1) substituted (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(b)(i)(cc)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- F141** Words in Art. 37(1) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(b)(ii)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F142** Words in Art. 37(1) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(b)(ii)(bb)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F143** Word in Art. 37(1) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(b)(iii)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F144** Word in Art. 37(1) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(b)(iii)(bb)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F145** Art. 37(2) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(c)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F146** Words in Art. 37(3) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F147** Word in Art. 37(4) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(e)(i)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F148** Word in Art. 37(4) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(e)(i)(bb)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F149** Words in Art. 37(4) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(e)(i)(cc)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F150** Words in Art. 37(4) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(e)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F151** Art. 37(5)-(8) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(36)(f)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

^{F152}Article 38

Union safeguard procedure

Textual Amendments

- F152** Art. 38 omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(37)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Article 39

Compliant appliances or fittings which present a risk

1 Where, having carried out an evaluation under Article 37(1), [^{F153}the enforcement authority] finds that although an appliance or fitting is in compliance with this Regulation, it presents a risk to the health or safety of persons or to domestic animals or property, it shall require the relevant economic operator to take all appropriate measures to ensure that the appliance or fitting concerned, when placed on the market, no longer presents that risk, to withdraw the appliance or fitting from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

2 The economic operator shall ensure that corrective action is taken in respect of all the appliances or fittings concerned that he has made available on the market ^{F154}....

^{F155}₃

^{F155}₄

^{F155}₅

Textual Amendments

- F153** Words in Art. 39(1) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(38)(a)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F154** Words in Art. 39(2) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(38)(b)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F155** Art. 39(3)-(5) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(38)(c)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 40

Formal non-compliance

1 Without prejudice to Article 37, where [^{F156}the enforcement authority] makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:

- a the [^{F157}UK] marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 17 of this Regulation;
- b the [^{F158}UK] marking has not been affixed;
- c the inscriptions referred to in Annex IV have not been affixed or have been affixed in violation of Article 18;
- d the identification number of the [^{F159}approved] body involved in the production control phase has been affixed in violation of Article 17 or has not been affixed;
- e the ^{F160}... declaration of conformity has not been drawn up or has not been drawn up correctly;
- f a copy of the ^{F161}... declaration of conformity does not accompany the fitting;

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- g the technical documentation is either not available or not complete;
- h the information referred to in Article 7(6) or Article 9(3) is absent, false or incomplete;
- i any other administrative requirement provided for in Article 7 or Article 9 is not fulfilled.

2 Where the non-compliance referred to in paragraph 1 persists, the [F162 enforcement authority] shall take all appropriate measures to restrict or prohibit the appliance or fitting being made available on the market or ensure that it is recalled or withdrawn from the market.

Textual Amendments

- F156** Words in Art. 40(1) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(39)(a)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F157** Word in Art. 40(1)(a) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(39)(a)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F158** Word in Art. 40(1)(b) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(39)(a)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F159** Word in Art. 40(1)(d) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(39)(a)(iii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F160** Word in Art. 40(1)(e) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(39)(a)(iv)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F161** Word in Art. 40(1)(f) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(39)(a)(iv)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F162** Words in Art. 40(2) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(39)(b)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F134** Ch. 5 heading substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(34)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(7)); 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER VI

DELEGATED ACTS AND COMMITTEE PROCEDURE

F163 Article 41

Exercise of the delegation

.....

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

F163 Arts. 41-43 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(40)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

^{F163} Article 42

Committee procedure

Textual Amendments

F163 Arts. 41-43 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(40)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

^{F163} Article 43

Penalties

Textual Amendments

F163 Arts. 41-43 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(40)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

^{F164} Article 44

Transitional provision in relation to EU exit

1 In this Article, “pre-exit period” means the period beginning with 21 April 2018 and ending immediately before IP completion day.

2 Subject to paragraph 3, where an appliance or fitting was made available on the market during the pre-exit period, despite the amendments made by Schedule 36 of the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under Regulation 2016/426 (pre-exit), continues to have effect as it did immediately before IP completion day, in relation to that appliance or fitting.

3 Paragraph 2 does not apply to—

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

- a any obligation of the enforcement authority to inform the European Commission or the member States of any matter, or
 - b any obligation to take action outside of the United Kingdom in respect of that appliance or fitting.
- 4 Where during the pre-exit period—
- a an appliance or fitting has not been placed on the market; and
 - b a manufacturer has taken any action under Article 14 of Regulation 2016/426 (pre-exit) in relation to that appliance or fitting,

that action has effect as if it had been done under Article 14 of this Regulation.

- [^{F165} Subject to paragraph 6, where before 11pm on 31st December 2024—
- a an appliance or fitting has not been placed on the market; and
 - b a manufacturer has taken any action under the conformity assessment procedure that applies to that appliance or fitting in accordance with Article 14 of Regulation 2016/426 (pre-exit)

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in Article 14 of this Regulation.

- 6 Paragraph 5 does not apply—
- a after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
 - b in any event, after 31st December 2027.]]

Textual Amendments

- F164** Art. 44 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(41)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(v)(vi)); 2020 c. 1, Sch. 5 para. 1(1)
- F165** Art. 44(5)(6) inserted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), **22(2)**

^{F166} Article 45

Repeal

.....

Textual Amendments

- F166** Art. 45 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(42)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

^{F167} Article 46

Entry into force and application

.....

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council. (See end of Document for details)

Textual Amendments

F167 Art. 46 omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(42)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F168
...

F169
...

F170
...

Textual Amendments

F168 Words in Signature omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(43)(a)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F169 Words in Signature omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(43)(b)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F170 Words in Signature omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(43)(c)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council.