

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 III

CONFORMITY OF APPLIANCES AND FITTINGS

[^{F1}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

- F1** 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 ^{F2}... 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, CHAPTER III. (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 [^{F3}English] or in a language accepted by [^{F4}the approved body].

Textual Amendments

- F2** 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)
- F3** 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)
- F4** 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

^{F5}... Declaration of conformity

1 The ^{F6}... declaration of conformity shall state that the fulfilment of the essential requirements set out in Annex I has been demonstrated.

2 The ^{F7}... 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 [^{F8}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 ^{F9}... 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 ^{F9}... declaration of conformity shall be in [^{F10}English].

[^{F11}4 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 ^{F12}... 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 ^{F13}... declaration of conformity shall be supplied with the fitting.

Textual Amendments

- F5** 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)
- F6** 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)
- F7** 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, CHAPTER III. (See end of Document for details)

- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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 [F14UK] marking

The [F15UK] marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

Textual Amendments

- F14** 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)
- F15** 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 [F16UK] marking

[F17A1 Paragraph 1 is subject to paragraph (1A).]

1 The [F18UK] 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.

[F191A For a period of [F20seven 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, CHAPTER III. (See end of Document for details)

2 The [F21UK] marking shall be affixed before the appliance or the fitting is placed on the market.

3 The [F22UK] marking shall be followed by the identification number of the [F23approved] 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 [F22UK] marking was affixed. The identification number of the [F23approved] body shall be affixed by the body itself or, under its instructions, by the manufacturer or his authorised representative.

4 The [F24UK] marking and the identification number referred to in paragraph 3 may be followed by any other mark indicating a special risk or use.

F25

Textual Amendments

- F16** 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)
- F17** 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)
- F18** 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)
- F19** 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)
- F20** 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**
- F21** 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)
- F22** 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)
- F23** 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)
- F24** 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)
- F25** 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, CHAPTER III. (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.

Changes to legislation:

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