

SCHEDULE 8

Amendment of the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001

Insertion of regulation 12A

7. After regulation 12 insert—

“Obligations which are met by complying with obligations in the Directive

12A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
- (b) “conformity assessment procedure” has the meaning given to it in Article 3(b).

(2) Paragraph (3) applies where, before placing equipment on the market or putting it into service in the United Kingdom, a responsible person—

- (a) ensures that the equipment satisfies the requirements of the Directive concerning noise emission in the environment;
- (b) ensures that the conformity assessment procedure that applies to the equipment in accordance with Article 14(1) or (2) has been carried out;
- (c) ensures that the technical documentation referred to in Article 14 and Annexes V to VIII, and any other records and correspondence relating to the relevant conformity assessment procedure set out in those provisions, are prepared in or translated into English;
- (d) ensures that the equipment bears a CE marking and an indication of the guaranteed sound power level in accordance with Article 11;
- (e) draws up an EC declaration of conformity, in accordance with Article 8; and
- (f) ensures that the EC declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulation 7(2) and (3) are to be treated as being satisfied;
- (b) regulations 7(4), 11, 12, 16(1), 17 and 18 and Schedule 13 paragraph 8 apply subject to the modifications in paragraph (4); and
- (c) regulation 10 does not apply.

(4) The modifications referred to in paragraph (3)(b) are that—

- (a) any reference to “declaration of conformity” is to be read as a reference to the EC declaration of conformity referred to in Article 8(1);
- (b) any reference to “technical documentation” is to be read as a reference to the technical documentation referred to in Article 8(3);
- (c) any reference to “UK marking” is to be read as a reference to the CE marking; and
- (d) for the purposes of regulation 16(1)—
 - (i) the reference to regulation 7(2)(c) is to be read as a reference to Article 11(2);
 - (ii) the reference to regulation 7(2)(d) is to be read as a reference to Article 8(1); and

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(iii) the reference to regulation 10 is to be read as a reference to Article 14(1) or (2).”.