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DRAFT STATUTORY INSTRUMENTS

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**2020 No.**

**The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020**

**Amendments to Part 4 (Transportable pressure equipment)**

**12.** After regulation 19B, insert—

**“Application of regulations 19AA to 19B to Importers or Distributors**

**19BA.** Regulations 19AA to 19B apply to an importer or a distributor as if that person were a manufacturer where the importer or distributor—

- (a) places equipment on the GB market under the importer or distributor’s own name or trademark; or
- (b) modifies equipment already placed on the GB market in such a way that it may affect compliance—
  - (i) of UK TPE with these Regulations or the Annexes; or
  - (ii) of pi marked TPE with the Directives.

**Obligations of Importers prior to placing equipment on the GB market**

**19BB.—**(1) Before placing equipment on the GB market, an importer must ensure that—

- (a) the equipment has been marked in accordance with—
  - (i) regulation 22B; or
  - (ii) articles 14 and 15 of the Transportable Pressure Equipment Directive;
- (b) the manufacturer has complied with conformity assessment and drawn up the technical documentation in accordance with—
  - (i) the Annexes, in respect of UK TPE; or
  - (ii) the Dangerous Goods Directive, in respect of pi marked TPE; and
- (c) the certificate of conformity for the equipment either contains the name and address of the importer or has this information attached to it.

(2) Where an importer considers that equipment presents a risk before it has been placed on the GB market, that importer must inform the manufacturer and the Health and Safety Executive of the risk.

**Obligations of Importers after placing UK TPE on the GB market**

**19BC.—**(1) This regulation applies to equipment bearing the UK TPE marking that an importer has placed on the GB market.

(2) The importer must ensure that—

- (a) the conditions in which equipment under the responsibility of the importer is stored and transported do not jeopardise the equipment's compliance with the Annexes; and
- (b) the technical documentation specified in the Annexes is kept for the period set out in that Directive.

(3) Where an importer knows or has reason to believe that equipment it has placed on the GB market does not comply with—

- (a) this regulation;
- (b) regulation 19BB(1)(a)(i), (b)(i) or (c); or
- (c) the Annexes,

that importer must act as required by paragraph (4).

(4) The actions required by paragraph (3) are to—

- (a) take immediate corrective measures to ensure that the equipment complies with—
  - (i) this regulation;
  - (ii) regulation 19BB(1)(a)(i), (b)(i) or (c); and
  - (iii) the Annexes;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(5) Where an importer considers that equipment it has placed on the GB market presents a risk, that importer must immediately inform the manufacturer, the GB competent authority and Northern Ireland competent authority of the risk, including details of any non-compliance with—

- (a) this regulation;
- (b) regulation 19BB(1)(a)(i), (b)(i) or (c); or
- (c) the Annexes,

and any action taken in accordance with paragraph (4).

(6) An importer must record each instance of non-compliance with—

- (a) this regulation;
- (b) regulation 19BB(1)(a)(i), (b)(i) or (c); or
- (c) the Annexes,

and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(7) On receipt of a reasoned request from the GB competent authority, an importer must—

- (a) provide that authority with all information and documents necessary to show that the equipment meets the requirements of—
  - (i) this regulation;
  - (ii) regulation 19BB(1)(a)(i), (b)(i) or (c); and
  - (iii) the Annexes;
- (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.”.