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STATUTORY INSTRUMENTS

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**2016 No. 1101**

**The Electrical Equipment (Safety) Regulations 2016**

**Part 2**

Obligations of economic operators

Manufacturers

**Design and manufacture in accordance with safety objectives**

4. Before placing electrical equipment on the market, a manufacturer must ensure that it has been designed and manufactured in accordance with the principal elements of the safety objectives.

**Technical documentation and conformity assessment**

5. Before placing electrical equipment on the market, a manufacturer must—
- (a) draw up the technical documentation; and
  - (b) carry out the conformity assessment procedure set out in Schedule 2 or have it carried out.

**EU declaration of conformity and CE marking**

6.—(1) Where the conformity of electrical equipment with the principal elements of the safety objectives has been demonstrated by the conformity assessment procedure set out in Schedule 2, a manufacturer must, before placing that electrical equipment on the market—

- (a) draw up a declaration of conformity in accordance with regulation 38 (EU declaration of conformity); and
- (b) affix the CE marking in accordance with regulation 39 (CE marking).

(2) The manufacturer must keep the EU declaration of conformity up to date.

(3) Where electrical equipment is subject to more than one EU instrument requiring a declaration of conformity to be drawn up, the manufacturer must draw up a single declaration of conformity which—

- (a) identifies the EU instruments; and
- (b) includes references to the publication of those EU instruments in the Official Journal.

**Retention of technical documentation and EU declaration of conformity**

7. A manufacturer must keep the technical documentation and the EU declaration of conformity drawn up in respect of electrical equipment and make them available for inspection by the market surveillance authority for a period of 10 years beginning on the day on which the electrical equipment is placed on the market.

## **Labelling of electrical equipment**

- 8.**—(1) Before placing electrical equipment on the market, a manufacturer must—
- (a) ensure that it bears a type, batch or serial number or other element allowing its identification; and
  - (b) ensure that it is marked with—
    - (i) the name, registered trade name or registered trade mark of the manufacturer; and
    - (ii) a single postal address at which the manufacturer can be contacted.
- (2) Where it is not possible for information specified in 1(a) or (b) to be indicated on the electrical equipment, the manufacturer must ensure that the information is indicated on its packaging or in a document accompanying the electrical equipment.
- (3) The contact details referred to in paragraph (1)(b) must be in a language easily understood by end-users and market surveillance authorities.
- (4) The information referred to in paragraph (1) must be indicated in a form that is clear, understandable and intelligible.

## **Instructions and safety information**

- 9.**—(1) When placing electrical equipment on the market, a manufacturer must ensure that it is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users.
- (2) Such instructions and safety information must be clear, understandable and intelligible.
- (3) Where the electrical equipment is placed on the market in the UK, the language referred to in paragraph (1) must be English.

## **Compliance procedures for series production**

- 10.**—(1) A manufacturer of electrical equipment which is manufactured by series production must ensure that procedures are in place to ensure that any electrical equipment so manufactured will be in conformity with Part 2.
- (2) In doing so, the manufacturer must take adequate account of—
- (a) any changes in electrical equipment design or characteristics; and
  - (b) any change in a harmonised standard or in another technical specification by reference to which the EU declaration of conformity was drawn up.

## **Monitoring**

- 11.**—(1) When appropriate, with regard to the risks to the health and safety of consumers presented by electrical equipment, the manufacturer must—
- (a) carry out sample testing of electrical equipment made available on the market;
  - (b) investigate complaints that electrical equipment is not in conformity with Part 2;
  - (c) keep a register of—
    - (i) complaints that electrical equipment is not in conformity with Part 2;
    - (ii) electrical equipment which is found not to be in conformity with Part 2; and
    - (iii) electrical equipment recalls; and
  - (d) keep distributors informed of any monitoring carried out under this regulation.

(2) The manufacturer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

### **Duty to take action in respect of electrical equipment placed on the market which is considered not to be in conformity**

**12.**—(1) A manufacturer who considers, or has reason to believe, that electrical equipment which that manufacturer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the electrical equipment into conformity;
- (b) withdraw the electrical equipment; or
- (c) recall the electrical equipment.

(2) Where the electrical equipment presents a risk, the manufacturer must immediately inform the market surveillance authority and the competent national authorities of any other member State in which the manufacturer made the electrical equipment available on the market, of the risk, giving details of—

- (a) the respect in which the electrical equipment is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

### **Provision of information and cooperation**

**13.**—(1) Following a request from an enforcing authority, and within such period as the authority may specify, a manufacturer must provide the authority with all the information and documentation necessary to demonstrate that the electrical equipment is in conformity with Part 2.

(2) A request referred to in paragraph (1)—

- (a) may only be made during the period of 10 years beginning on the day the equipment was placed on the market; and
- (b) must be accompanied by the reasons for making the request.

(3) The information and documentation referred to in paragraph (1)—

- (a) may be provided electronically; and
- (b) must be in a language which can be easily understood by the enforcing authority.

(4) A manufacturer must, at the request of the enforcing authority, cooperate with that authority on any action taken to—

- (a) evaluate electrical equipment in accordance with regulation 44 (evaluation of electrical equipment presenting a risk); or
- (b) eliminate the risks posed by electrical equipment which the manufacturer has placed on the market.

Authorised representatives

### **Manufacturer's authorised representatives**

**14.**—(1) A manufacturer may, by written mandate, appoint a person as their authorised representative to perform specified tasks on the manufacturer's behalf.

(2) The mandate must allow the authorised representative to do at least the following in relation to electrical equipment covered by the mandate—

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- (a) perform the manufacturer's obligations under regulation 7 (retention of technical documentation and EU declaration of conformity); and
  - (b) perform the manufacturer's obligations under regulation 13 (provision of information and cooperation).
- (3) The obligations laid down in regulation 4 (design and manufacture in accordance with safety objectives) and regulation 5(a) (technical documentation) must not form part of an authorised representative's mandate.
- (4) An authorised representative must comply with all the duties imposed on the manufacturer in relation to each obligation under these Regulations that the representative is appointed by the manufacturer to perform and, accordingly as far as those duties, as well as the penalties for failure to comply with those duties, are concerned, references in these Regulations (except in this regulation) to the manufacturer are to be taken as including a reference to the authorised representative.
- (5) A manufacturer who has appointed an authorised representative to perform on the manufacturer's behalf a task under these Regulations remains responsible for the proper performance of that obligation.

#### Importers

#### **Prohibition on placing on the market electrical equipment which is not in conformity**

**15.** An importer must not place electrical equipment on the market unless it is in conformity with Part 2.

#### **Requirements which must be satisfied before an importer places electrical equipment on the market**

- 16.** Before placing electrical equipment on the market, an importer must ensure that—
- (a) the conformity assessment procedure set out in Schedule 2 has been carried out;
  - (b) the manufacturer has drawn up the technical documentation;
  - (c) the electrical equipment bears the CE marking; and
  - (d) the manufacturer has complied with the requirements of regulation 8 (labelling of electrical equipment).

#### **Prohibition on placing on the market electrical equipment considered not to be in conformity with the safety objectives**

**17.—(1)** Where an importer considers, or has reason to believe, that electrical equipment is not in conformity with the principal elements of the safety objectives, the importer must not place the electrical equipment on the market.

(2) Where the electrical equipment presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk.

#### **Information identifying importer**

**18.—(1)** Before placing electrical equipment on the market, an importer must indicate on the electrical equipment—

- (a) the name, registered trade name or registered trade mark of the importer; and
- (b) a postal address at which the importer can be contacted.

(2) The information specified in paragraph (1) must be in a language easily understood by end-users and the market surveillance authority in the member State in which it is to be made available to such end-users.

(3) Where it is not possible to indicate the information specified in paragraph (1) on the electrical equipment, the importer must indicate that information—

- (a) on the packaging; or
- (b) in a document accompanying the electrical equipment.

### **Instructions and safety information**

**19.**—(1) When placing electrical equipment on the market, an importer must ensure that it is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users.

(2) Where the electrical equipment is placed on the market in the UK, the language referred to in paragraph (1) must be English.

### **Storage and transport of electrical equipment**

**20.** Where an importer has responsibility for electrical equipment, the importer must ensure that the conditions under which it is stored or transported do not jeopardise its conformity with the principal elements of the safety objectives.

### **Retention of technical documentation and EU declaration of conformity**

**21.** An importer must, for a period of 10 years beginning on the day on which electrical equipment is placed on the market, keep and, upon request, make available to an enforcing authority the following in relation to the electrical equipment—

- (a) a copy of the EU declaration of conformity; and
- (b) the technical documentation.

### **Monitoring**

**22.**—(1) Where appropriate, having regard to the risks to the health and safety of consumers presented by electrical equipment, the importer must—

- (a) carry out sample testing of electrical equipment made available on the market by the importer;
- (b) investigate complaints that electrical equipment made available on the market by the importer is not in conformity with Part 2;
- (c) keep a register of—
  - (i) complaints that electrical equipment is not in conformity with Part 2;
  - (ii) electrical equipment which is found not to be in conformity with Part 2; and
  - (iii) electrical equipment recalls; and
- (d) keep distributors informed of any monitoring carried out under this regulation.

(2) The importer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

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### **Duty to take action in respect of electrical equipment placed on the market which is considered not to be in conformity**

**23.**—(1) An importer who considers, or has reason to believe, that electrical equipment which that importer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring that electrical equipment into conformity;
- (b) withdraw the electrical equipment; or
- (c) recall the electrical equipment.

(2) Where the electrical equipment presents a risk, the importer must immediately inform the market surveillance authority and the competent national authorities of any other member State in which the manufacturer made the electrical equipment available on the market of the risk, giving details of—

- (a) the respect in which the electrical equipment is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

### **Provision of information and cooperation**

**24.**—(1) Following a request from an enforcing authority, and within such period as the authority may specify, an importer must provide the authority with all the information and documentation necessary to demonstrate that electrical equipment is in conformity with Part 2.

(2) A request referred to in paragraph (1)—

- (a) may only be made during the period of 10 years beginning on the day the importer places the equipment on the market; and
- (b) must be accompanied by the reasons for making the request.

(3) The information referred to in paragraph (1)—

- (a) may be provided electronically; and
- (b) must be in a language which can be easily understood by the enforcing authority.

(4) An importer must, at the request of the enforcing authority, cooperate with that authority on any action taken to—

- (a) evaluate electrical equipment in accordance with regulation 44 (evaluation of electrical equipment presenting a risk); or
- (b) eliminate the risks posed by electrical equipment which the importer has placed on the market.

### **Distributors**

#### **Duty to act with due care**

**25.** When making electrical equipment available on the market, a distributor must act with due care to ensure that it is in conformity with Part 2.

#### **Requirements which must be satisfied before a distributor makes electrical equipment available on the market**

**26.**—(1) Before making electrical equipment available on the market, the distributor must verify that—

- (a) the electrical equipment—

- (i) bears the CE marking;
  - (ii) is accompanied by the required documents;
  - (iii) is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users in the member State in which the electrical equipment is to be made available on the market;
- (b) the manufacturer has complied with the requirements of regulation 8 (labelling of electrical equipment);
- (c) the importer has complied with the requirements of regulation 18 (information identifying importer).
- (2) In paragraph (1)(a)(ii), “required documents” means the documents that the manufacturer or importer is required to provide with the electrical equipment pursuant to—
- (a) regulation 8 (labelling of electrical equipment);
  - (b) regulation 9 or 19 (instructions and safety information); and
  - (c) regulation 18 (information identifying importer).
- (3) Where the electrical equipment is to be made available on the market in the UK, the language referred to in paragraph (1)(a)(iii) must be English.

**Prohibition on making available on the market where electrical equipment considered not to be in conformity with safety objectives**

- 27.—(1) Where a distributor considers or has reason to believe that electrical equipment is not in conformity with the principal elements of the safety objectives, the distributor must not make the electrical equipment available on the market until it has been brought into conformity.
- (2) Where the electrical equipment presents a risk, the distributor must inform the following persons of the risk—
- (a) the manufacturer or the importer; and
  - (b) the market surveillance authority.

**Storage and transport of electrical equipment**

28. A distributor must ensure that, while electrical equipment is the distributor's responsibility, its storage or transport conditions do not jeopardise its conformity with the principal elements of the safety objectives.

**Duty to take action in respect of electrical equipment placed on the market which is considered not to be in conformity**

- 29.—(1) A distributor who considers, or has reason to believe, that electrical equipment which that distributor has placed on the market is not in conformity with Part 2 must ensure that the necessary corrective measures are taken to—
- (a) bring that electrical equipment into conformity;
  - (b) withdraw the electrical equipment; or
  - (c) recall the electrical equipment.
- (2) Where the electrical equipment presents a risk, the distributor must immediately inform the market surveillance authority and the competent national authorities of the other member States in which the distributor has made the electrical equipment available on the market, of that risk, giving details of—

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- (a) the respect in which the electrical equipment is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

### **Provision of information and cooperation**

**30.**—(1) Following a request from an enforcing authority, and within such period as the authority may specify, a distributor must provide the authority with all the information and documentation necessary to demonstrate that electrical equipment is in conformity with Part 2.

(2) The information referred to in paragraph (1)—

- (a) may be provided electronically; and
- (b) must be in a language which can be easily understood by the enforcing authority.

(3) A distributor must, at the request of the enforcing authority, cooperate with that authority on any action taken to—

- (a) evaluate electrical equipment in accordance with regulation 44 (evaluation of electrical equipment presenting a risk); or
- (b) eliminate the risks posed by electrical equipment which the distributor has made available on the market.

### **Cases in which obligations of manufacturers apply to importers and distributors**

**31.**—(1) An importer or distributor (“A”) is to be considered a manufacturer for the purposes of these Regulations, and is subject to the relevant obligations of the manufacturer under this Part, where A—

- (a) places electrical equipment on the market under A's own name or trademark; or
- (b) modifies electrical equipment already placed on the market in such a way that it may affect whether the electrical equipment is in conformity with Part 2.

(2) In paragraph (1), “relevant obligations” means the obligations under regulations 4 (design and manufacture in accordance with safety objectives) to 13 (provision of information and cooperation).

All economic operators

### **Translation of declaration of conformity**

**32.**—(1) Before making electrical equipment available on the market, an economic operator must ensure that the EU declaration of conformity is prepared in, or translated into, the language required by the member State in which it is to be made available on the market.

(2) Where the electrical equipment is to be made available on the market in the United Kingdom, the language required is English.

### **Identification of economic operators**

**33.**—(1) An economic operator (“E”) who receives a request in relation to electrical equipment from the market surveillance authority before the end of the relevant period must, within such period as that authority may specify, identify to the authority—

- (a) any other economic operator who has supplied E with the electrical equipment; and
- (b) any other economic operator to whom E has supplied the electrical equipment.

(2) The relevant period is—



- (a) for information under paragraph (1)(a), 10 years beginning on the day on which E was supplied with the electrical equipment;
- (b) for information under paragraph (1)(b), 10 years beginning on the day on which E supplied the electrical equipment.

### Prohibition on improper use of CE marking

- 34.**—(1) An economic operator must not affix the CE marking to electrical equipment unless—
- (a) that economic operator is the manufacturer; and
  - (b) the conformity of the electrical equipment with the principal elements of the safety objectives has been demonstrated by the conformity assessment procedure set out in Schedule 2.
- (2) An economic operator must not affix to electrical equipment a marking which—
- (a) is not the CE marking; but
  - (b) purports to attest that the electrical equipment is in conformity with the principal elements of the safety objectives.
- (3) An economic operator must not affix to electrical equipment a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking.
- (4) An economic operator must not affix to electrical equipment any other marking if the visibility, legibility and meaning of the CE marking would be impaired as a result.

### Safe connection of electrical equipment intended for use in the United Kingdom

- 35.**—(1) This regulation applies to electrical equipment intended for domestic use in the United Kingdom and made available by an economic operator for that purpose.
- (2) Where the electrical equipment is a plug in device intended to be connected, without the use of a mains lead or plug, directly to the United Kingdom public electricity supply via a socket outlet conforming to BS 1363, the economic operator must ensure that the plug in device is compatible with socket outlets conforming to BS 1363.
- (3) Where the electrical equipment has a flexible lead and plug assembly and is intended to be connected to the United Kingdom public electricity supply by means of a socket outlet conforming to BS 1363, the economic operator must ensure that that plug assembly—
- (a) is a correctly fitted standard plug; or
  - (b) is—
    - (i) a correctly fitted non-UK plug, conforming to the safety provisions of IEC 884-1 and correctly fitted with a compatible conversion plug; and
    - (ii) fitted with a fuse link which conforms to BS 1362 and which is rated in accordance with the electrical equipment manufacturer's instructions.
- (4) In this regulation, “socket”, “BS 1363”, “standard plug”, “non-UK plug”, “IEC 884-1”, “conversion plug”, “fuse link” and “BS 1362” have the meanings given in the Plugs and Sockets etc. (Safety) Regulations 1994 <sup>M1</sup>.

#### Marginal Citations

**M1** S.I. 1994/1768 amended by S.I. 2011/1043.

**Status:**

Point in time view as at 08/12/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the The Electrical Equipment (Safety) Regulations 2016, Part 2.