
STATUTORY INSTRUMENTS

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.