
STATUTORY INSTRUMENTS

2016 No. 1101

The Electrical Equipment (Safety) Regulations 2016

Part 2

Obligations of economic operators

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.

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.