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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**

**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—

- (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).