
STATUTORY INSTRUMENTS

2016 No. 1101

The Electrical Equipment (Safety) Regulations 2016

Part 2

Obligations of economic operators

All economic operators

Translation of declaration of conformity

[^{F1}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 [^{F2}relevant 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 [^{F3}Northern Ireland], the language required is English.]

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| F1 | Reg. 32 omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) , reg. 1, Sch. 23 para. 17 (with Sch. 23 para. 30) (as amended by S.I. 2020/676 , regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1) |
| F2 | Words in reg. 32(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112) , reg. 1(b), Sch. 11 para. 3(3) |
| F3 | Words in reg. 32(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112) , reg. 1(b), Sch. 11 para. 3(5) |

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 [F4UK] marking E+W+S

34.—(1) An economic operator must not affix the [F5UK] 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 [F5UK] 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 [F5UK] marking.

(4) An economic operator must not affix to electrical equipment any other marking if the visibility, legibility and meaning of the [F5UK] marking would be impaired as a result.

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F4** Word in [reg. 34](#) heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 23 para. 18](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F5** Word in [reg. 34](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 23 para. 18](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Prohibition on improper use of CE marking N.I.

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.

Extent Information

- E3** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F6}Obligations which are met by complying with obligations in the Directive

- 34A.—(1)** In this regulation—
- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
 - (b) “CE marking” has the meaning given to it in Article 2(14); and
 - (c) “harmonised standard” has the meaning given to it in Article 2(9).
- (2) Paragraph (3) applies where, before placing electrical equipment on the market, the manufacturer—
- (a) ensures that the electrical equipment has been designed and manufactured in accordance with the principal elements of the safety objectives set out in Annex I;
 - (b) ensures that the conformity assessment procedure that applies to that equipment in accordance with Annex III has been carried out;
 - (c) draws up the technical documentation referred to in Annex III;
 - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared or translated into English;
 - (e) affixes a CE marking, in accordance with Articles 16 and 17(1) and (2);
 - (f) draws up an EU declaration of conformity, in accordance with Article 15; and
 - (g) ensures that the EU declaration of conformity is prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 4, 5, 6(1) and (3) are to be treated as being satisfied;
 - (b) regulations 2(2)(a), 6(2), 7, 10(2), 14(2), and 34 apply subject to the modifications in paragraph (8);
 - (c) Part 3 does not apply; and
 - (d) regulation 48(1) does not apply.
- (4) Paragraph (5) applies where, before placing electrical equipment on the market, the importer ensures that—
- (a) the conformity assessment procedure that applies to that equipment in accordance with Annex III has been carried out;
 - (b) the manufacturer has drawn up the technical documentation referred to in Annex III; and
 - (c) the equipment bears the CE marking.
- (5) Where this paragraph applies—
- (a) the requirements of regulation 16(a) to (c) are to be treated as being satisfied; and
 - (b) regulations 2(2)(a), 17(1), 20 and 21 apply subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making electrical equipment available on the market, a distributor ensures that the equipment bears the CE marking.
- (7) Where this paragraph applies—
- (a) regulation 26(1)(a)(i) is to be treated as being satisfied; and

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Electrical Equipment (Safety) Regulations 2016, All economic operators. (See end of Document for details)

- (b) regulations 27(1) and 28 apply subject to the modifications in paragraph (10).
- (8) The modifications referred to in sub-paragraphs (3)(b), (5)(b) and (7)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
 - (c) any reference to “principal elements of the safety objectives” is to be read as a reference to the principal elements of the safety objectives referred to in Annex I;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard within the meaning of Article 2(9);
 - (e) any reference to “conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the equipment in accordance with Annex III; and
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex III.

F6 Regs. 34A-34C inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 19** (as amended by [S.I. 2020/1460](#), reg 1(4), **Sch. 3 para. 15(3)**); 2020 c.1, **Sch.5 para 1(10)**, see reg.1

Expiry of regulation 34A

34B.—(1) Subject to paragraph (2), regulation 34A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

- (2) Notwithstanding the expiry of regulation 34A—
- (a) any electrical equipment which was placed on the market pursuant to regulation 34A may continue to be made available on the market on or after the expiry of regulation 34A;
 - (b) any obligation to which a person was subject under regulation 34A in respect of electrical equipment placed on the market pursuant to regulation 34A continues to have effect after the expiry of regulation 34A, in respect of that electrical equipment.

F6 Regs. 34A-34C inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 19** (as amended by [S.I. 2020/1460](#), reg 1(4), **Sch. 3 para. 15(3)**); 2020 c.1, **Sch.5 para 1(10)**, see reg.1

Qualifying Northern Ireland Goods

34C.—(1) Where paragraph (2) applies electrical equipment is to be treated as being in conformity with Part 2.

- (2) This paragraph applies where—
- (a) electrical equipment—
 - (i) is in conformity with Part 2, as that Part applies in Northern Ireland; and
 - (ii) is qualifying Northern Ireland goods; and
 - (b) an importer has complied with the obligations set out in paragraph (3).
- (3) The obligations referred to in paragraph (2)(b) are that, before placing the electrical equipment on the market, the importer—
- (a) complies with regulation 18;

(b) ensures that—

- (i) the relevant conformity assessment procedure has been carried out in relation to the electrical equipment, in accordance with Part 3, as that Part applies in Northern Ireland;
- (ii) the manufacturer has drawn up the technical documentation; and
- (iii) the electrical equipment bears the CE marking.

(4) In this regulation—

“CE marking” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland; “qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018; “technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.]

F6 Regs. 34A-34C inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 23 para. 19](#) (as amended by S.I. 2020/1460, reg 1(4), [Sch. 3 para. 15\(3\)](#)); 2020 c.1, [Sch.5 para 1\(10\)](#), see reg.1

Safe connection of electrical equipment intended for use in the United Kingdom **E+W+S**

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 ^{M1}.

Extent Information

E2 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Marginal Citations

M1 [S.I. 1994/1768](#) amended by [S.I. 2011/1043](#).

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Electrical Equipment (Safety) Regulations 2016, All economic operators. (See end of Document for details)

Safe connection of electrical equipment intended for use in [^{F7}Northern Ireland] **N.I.**

35.—(1) This regulation applies to electrical equipment intended for domestic use in [^{F8}Northern Ireland] 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 ^{F9}.

Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F7** Words in [reg. 35](#) heading substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), [reg. 1\(b\)](#), [Sch. 11 para. 3\(5\)](#)
- F8** Words in [reg. 35\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), [reg. 1\(b\)](#), [Sch. 11 para. 3\(5\)](#)
- F9** [S.I. 1994/1768](#) amended by [S.I. 2011/1043](#).

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Electrical Equipment (Safety) Regulations 2016, All economic operators.