
STATUTORY INSTRUMENTS

2016 No. 1101

The Electrical Equipment (Safety) Regulations 2016

PART 3

Conformity assessment

Presumption of conformity on the basis of [^{F1}designated] standards **E+W+S**

36.—(1) Electrical equipment which is in conformity with a [^{F2}designated] standard (or part of such a standard) ^{F3}... is to be presumed to be in conformity with the principal elements of the safety objectives covered by that standard (or that part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

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
- F1** Word in [reg. 36 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. 20\(a\)](#) (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** Word in [reg. 36\(1\)](#) 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. 20\(a\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 36\(1\)](#) 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. 20\(b\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Presumption of conformity on the basis of harmonised standards **N.I.**

36.—(1) Electrical equipment which is in conformity with a harmonised standard (or part of such a standard) the reference to which has been published in the Official Journal is to be presumed to be in conformity with the principal elements of the safety objectives covered by that standard (or that part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

Extent Information

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Status: Point in time view as at 31/12/2020.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, PART 3. (See end of Document for details)

Conformity with other standards and requirements **E+W+S**

37.—(1) Where there are no relevant [^{F4}designated] standards, electrical equipment [^{F5}which complies with relevant international safety provisions] is to be presumed to be in conformity with the principal elements of the safety objectives unless there are reasonable grounds for suspecting that the electrical equipment does not so comply.

(2) When there are no relevant [^{F6}designated] standards and no relevant international safety provisions, electrical equipment is to be taken to comply with the principal elements of the safety objectives where—

- (a) the equipment has been manufactured in accordance with the national safety provisions applicable to that equipment in the member State of manufacture; and
- (b) as a result of its compliance with those national safety provisions, at the time when it is made available on the market it is at least as safe as it would be if it were in conformity with the principal elements of the safety objectives.

^{F7}(3)

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
- F4** Word in reg. 37(1) 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. 21(a)(i)** (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** Words in reg. 37(1) 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. 21(a)(ii)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in reg. 37(2) 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. 21(b)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Reg. 37(3) 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. 21(c)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Conformity with other standards and requirements **N.I.**

37.—(1) Where there are no relevant harmonised standards, electrical equipment which satisfies safety provisions of international standards notified by the Commission is to be presumed to be in conformity with the principal elements of the safety objectives unless there are reasonable grounds for suspecting that the electrical equipment does not so comply.

(2) When there are no relevant harmonised standards and no relevant international safety provisions, electrical equipment is to be taken to comply with the principal elements of the safety objectives where—

- (a) the equipment has been manufactured in accordance with the national safety provisions applicable to that equipment in the [^{F15}relevant state] of manufacture; and
- (b) as a result of its compliance with those national safety provisions, at the time when it is made available on the market it is at least as safe as it would be if it were in conformity with the principal elements of the safety objectives.

(3) In this regulation, “international standards notified by the Commission” means international standards set out by the International Electrotechnical Commission—

- (a) which have been notified by the European Commission to the member States; and
- (b) in respect of which no objection to their recognition has been made by a [^{F16}relevant state] within three months of that notification.

Extent Information

- E6** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F15** Words in [reg. 37\(2\)\(a\)](#) 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. 4\(a\)](#)
- F16** Words in [reg. 37\(3\)\(b\)](#) 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. 4\(b\)](#)

[^{F8}Declaration] of conformity **E+W+S**

- 38.** The ^{F9}... declaration of conformity for electrical equipment must—
- (a) state that the fulfilment of the principal elements of the safety objectives has been demonstrated in respect of the electrical equipment;
 - (b) have the model structure set out in Schedule 8; and
 - (c) contain the elements specified in Schedule 2 for Module A Internal production control.

Extent Information

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F8** Word in [reg. 38](#) 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. 22\(a\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- F9** Word in [reg. 38](#) 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. 22\(b\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

EU declaration of conformity **N.I.**

- 38.** The EU declaration of conformity for electrical equipment must—
- (a) state that the fulfilment of the principal elements of the safety objectives has been demonstrated in respect of the electrical equipment;
 - (b) have the model structure set out in Schedule 8; and
 - (c) contain the elements specified in Schedule 2 for Module A Internal production control.

Extent Information

- E7** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F10}UK] marking E+W+S

39.—[^{F11}(1) The UK marking must be affixed visibly, legibly and indelibly to—

- (a) the electrical equipment;
- (b) its data plate; or
- (c) where paragraph (1A) applies, to—
 - (i) a label affixed to the electrical equipment; or
 - (ii) to a document accompanying the electrical equipment.]

[^{F12}(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

- (a) a label affixed to the electrical equipment; or
- (b) to a document accompanying the electrical equipment;]

(2) Where [^{F13}paragraph (1A) does not apply and] it is not possible or warranted, on account of the nature of the electrical equipment, to affix the [^{F14}UK] marking in accordance with paragraph (1), the [^{F14}UK] marking must be affixed to—

- (a) the packaging; and
- (b) the accompanying documents.

Extent Information

- E4** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F10** Word in reg. 39 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. 23(1)(a)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [\(S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**)
- F11** Reg. 39(1) 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. 23(1)(b)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [\(S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**)
- F12** Reg. 39(1A) 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. 23(1)(c)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [\(S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**)
- F13** Words in reg. 39(2) 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. 23(1)(d)(i)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [\(S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**)
- F14** Word in reg. 39(2) 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. 23(1)(d)(ii)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [\(S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**)

CE marking N.I.

39.—(1) The CE marking must be affixed visibly, legibly and indelibly to the electrical equipment or to its data plate.

(2) Where it is not possible or warranted, on account of the nature of the electrical equipment, to affix the CE marking in accordance with paragraph (1), the CE marking must be affixed to—

- (a) the packaging; and
- (b) the accompanying documents.

Extent Information

E8 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

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, PART 3.